

# THE MONTHLY CHRONICLE.

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## ARTICLE XIV.

NORTHEASTERN BOUNDARY OF THE UNITED STATES. NO. II.

SINCE the publication of our former article on this subject, [p. 241,] the negotiations then pending have brought the long protracted controversy to an end, by the establishment of a new line of boundary, as set forth in the treaty published in our last Number. These negotiations were of a very interesting and important character, and we have therefore inserted here the correspondence entire, as forming an essential part of the history of the day.

It will be perceived that the negotiation, which has led to this happy result, was based not upon the principle of giving an interpretation of the treaty of 1783, but upon that of adopting a new line of boundary, better adapted to the present convenience of the parties, making some exchanges of territory, with conditions and equivalents mutually advantageous. As we publish the correspondence at large, it is unnecessary here to recapitulate the history of the negotiation. The result may be stated in few words. The United States relinquish to Great Britain all claim to the territory north of the rivers St. John and St. Francis, and to about half that south and west of the St. Francis, and west of the St. John. Great Britain, on her part, relinquishes all claim to territory south and southeast of the line here indicated, and also concedes to New Hampshire the territory between the upper branches of the Connecticut river, by consenting to the adoption of Hall's stream, as the branch which shall form the boundary line, from its source to the 45th degree of latitude. Great Britain also concedes to Vermont and New York the strip of territory which lies between the ascertained line of the 45th degree of latitude, and the

line of possession, including Rouse's Point. Certain other minor changes are made in various parts of the northern boundary, for mutual convenience. Great Britain also concedes to the citizens of the United States the right of the free navigation of the river St. John, from the American frontier to its mouth, for the export of products of the forest and the soil, within the territory watered by the branches of this river.

The state of Maine thus parts with a tract of territory, included within the limits of the treaty of 1783, according to her construction of that instrument, estimated to contain 5,012 square miles, or 3,207,680 acres. The portion of territory included within the limits of the British claim, which is conceded to Maine by this settlement, contains 7,015 square miles, or 4,480,600 acres. The above estimate embraces about 400,000 acres, which were claimed by the state of Maine, situated north and east of the sources of the Restigouche river. This tract, according to the construction which we have heretofore given to the treaty, was not included within the limits of the U. States. The territory thus conceded to Great Britain, north of the St. John and St. Francis rivers, is the same which she would have acquired by the award of the King of the Netherlands, had that decision been carried into effect, amounting to 2,636,160 acres. The additional territory relinquished to Great Britain west of the upper part of the St. John, and extending from the St. Francis to the Metjarmette Portage, amounts to 571,520 acres.

The states of Maine and Massachusetts, which are joint owners of the ungranted lands within the state of Maine, obtain by way of compensation for the territory thus relinquished, in addition to the relinquishment by Great Britain of all claim to the other portions of the disputed territory, an increased value to the lands thus retained by them, from the advantage of the free navigation of the St. John, the only outlet for the timber and produce of this extensive territory, and also the sum of \$300,000 in money, to be paid by the United States, as an equivalent for the tracts of territory not covered by a strict application of the treaty of 1783, which are now conceded to the states of New Hampshire, Vermont, and New York.

The terms of this settlement cannot but be regarded as highly advantageous to both countries. It should be satisfactory to Great Britain and her provinces, because it secures to her, as the fruit of a very slender claim, all the territory which is necessary, for affording an eligible line of communication between the central parts of the two provinces. This territory is acquired by the concession of certain claims on New Hampshire, Vermont, and New York, of little value to herself, but of some moment to those



states, and by the grant to the inhabitants of Maine, of certain privileges, which are likely to prove of great benefit to them, although not onerous to herself. The treaty contains also a number of stipulations of minor importance, which are framed in a benevolent spirit, for the protection of the acquired rights, or supposed rights, of the inhabitants of the frontier, on both sides of the boundary line. On this principle, the line running north, from the monument at the source of the St. Croix to the St. John, is adopted, as it was heretofore run, and as it limits the possessions on each side, in preference to the new line, as rectified by more careful scientific surveys.

The boundary line between the state of Maine and the British provinces, as now established, may be thus described, namely: from the mouth of the river St. Croix through the middle of the channel of that river to its source, where a monument is already established; thence due north by a line indicated by surveys, which bound the grants of the adjoining lands, to the river St. John, near the Great Falls; thence through the middle of this river to the mouth of the St. Francis; thence through the middle of the river St. Francis to the outlet of lake Pohenagamoke; thence southwesterly by a line running nearly midway between the main branch of the St. John and the crest of the highlands, to the Met-jarmette Portage; and thence to the source of Hall's Stream, the western branch of the Connecticut river. The most northerly point of the State is at the outlet of lake Pohenagamoke, in latitude 47 deg. 25m. The map on the preceding page will exhibit more distinctly the limits here defined.

### BOUNDARY NEGOTIATION.

MESSAGE of the President of the United States to the Senate, accompanying the Treaty with Great Britain, and the correspondence between the British Special Minister and the Secretary of State of the United States, in negotiating the treaty.

*Message from the President of the United States, to the Senate of the United States.*

I have the satisfaction to communicate to the Senate the results of the negotiations recently had in this city with the British Minister, special and extraordinary.

These results comprise,

1st. A treaty to settle and define the boundaries between the territories of the United States and the possessions of Her Britannic Majesty in North America, for the suppression of the African slave trade, and the surrender of criminals, fugitives from justice, in certain cases.

2d. A correspondence on the subject of the interference of the colonial authorities of the British West Indies with American merchant ves-



sels driven by stress of weather, or carried by violence into the ports of those colonies.

3d. A correspondence upon the subject of the attack and destruction of the steamboat *Caroline*.

4th. A correspondence on the subject of impressment.

If this treaty shall receive the approbation of the Senate, it will terminate a difference respecting boundary which has long subsisted between the two governments, has been the subjects of several ineffectual attempts at settlement, and has sometimes led to great irritation, not without danger of disturbing the existing peace. Both the United States and the States more immediately concerned, have entertained no doubt of the validity of the American title to all the territory which has been in dispute; but that title was controverted, and the government of the United States had agreed to make the dispute a subject of arbitration. One arbitration had been actually had, but had failed to settle the controversy, and it was found, at the commencement of last year, that a correspondence had been in progress between the governments for a joint commission, with an ultimate reference to an umpire or arbitrator, with authority to make a final decision. That correspondence, however, had been retarded by various occurrences, and had come to no definite result when the special mission of Lord Ashburton was announced. This movement on the part of England afforded, in the judgment of the Executive, a favorable opportunity for making an attempt to settle this long existing controversy by some agreement or treaty, without further reference to arbitration.

It seemed entirely proper that, if this purpose were entertained, consultation should be had with the authorities of the states of Maine and Massachusetts. Letters, therefore, of which copies are herewith communicated, were addressed to the governors of those states, suggesting that commissioners should be appointed by each of them, respectively, to repair to this city and confer with the authorities of this government, on a line by agreement or compromise, with its equivalents and compensations. This suggestion was met by both states in a spirit of candor and patriotism, and promptly complied with. Four commissioners on the part of Maine, and three on the part of Massachusetts, all persons of distinction and high character, were duly appointed and commissioned, and lost no time in presenting themselves at the seat of the government of the United States. These commissioners have been in correspondence with this government during the period of the discussions; have enjoyed its confidence and freest communications; have aided the general object with their counsel and advice; and in the end, have unanimously signified their assent to the line proposed in the treaty.

Ordinarily, it would be no easy task to reconcile and bring together such a variety of interests in a matter in itself difficult and perplexed; but the efforts of the government in attempting to accomplish this desirable object, have been seconded and sustained by a spirit of accommodation and conciliation on the part of the states concerned, to which much of the success of these efforts is to be ascribed.

Connected with the settlement of the line of the Northeastern Boundary, so far as it respects the states of Maine and Massachusetts, is the

continuation of that line along the highlands to the northwesternmost head of Connecticut river. Which of the sources of that stream is entitled to this character, has been matter of controversy and of some interest to the state of New Hampshire. The King of the Netherlands decided the main branch to be the northwesternmost head of the Connecticut. This did not satisfy the claim of New Hampshire. The line agreed to in the present treaty follows the highlands to the head of Hall's stream, and thence down that river, embracing the whole claim of New Hampshire, and establishing her title to one hundred thousand acres of territory, more than she would have had by the decision of the King of the Netherlands.

By the treaty of 1783, the line is to proceed down the Connecticut river to the 45th degree of north latitude, and thence west by that parallel till it strikes the St. Lawrence. Recent examinations having ascertained that the line heretofore received as the true line of latitude between those points was erroneous, and that the correction of this error would not only leave, on the British side, a considerable tract of territory, heretofore supposed to belong to the states of Vermont and New York, but also Rouse's Point, the site of a military work of the United States, it has been regarded as an object of importance, not only to establish the rights and jurisdiction of those states, up to the line to which they have been considered to extend, but also to comprehend Rouse's Point within the territory of the United States. The relinquishment by the British Government of all the territory south of the line heretofore considered to be the true line, has been obtained, and the consideration for this relinquishment is to enure by the provisions of the treaty to the states of Maine and Massachusetts.

The line of boundary, then, from the source of the St. Croix to the St. Lawrence, so far as Maine and Massachusetts are concerned, is fixed by their own consent and for considerations satisfactory to them; the chief of these considerations being the privilege of transporting the lumber and agricultural products grown and raised in Maine on the waters of the St. John's and its tributaries down that river to the ocean, free from imposition or disability. The importance of this privilege, perpetual in its terms, to a country covered at present by pine forests of great value, and much of it capable hereafter of agricultural improvement, is not a matter upon which the opinion of intelligent men is likely to be divided.

So far as New Hampshire is concerned, the treaty secures all that she requires, and New York and Vermont are quieted to the extent of their claim and occupation. The difference which would be made in the northern boundary of these two states by correcting the parallel of latitude, may be seen in Tanner's Maps, (1836,) new Atlas, maps Nos. 6 and 9. [See also Hale's Map of New England.]

From the intersection of the 45th degree of north latitude with the St. Lawrence, and along that river and the lakes, to the water communication between Lake Huron and Lake Superior, the line was definitively agreed on by the commissioners of the two Governments, under the 6th article of the Treaty of Ghent. But between this last mentioned point and the Lake of the Wood, the commissioners acting under the 7th article

of that treaty found several matters of disagreement, and therefore made no joint report to their respective Governments. The first of these was Sugar Island, or St. George's Island, lying in St. Mary's river, or the water communication between lakes Huron and Superior. By the present treaty this island is embraced in the territories of the United States. Both from soil and position, it is regarded as of much value.

Another matter of difference was the manner of extending the line from the point at which the commissioners arrived, north of the Isle Royale, in lake Superior, to the Lake of the Wood. The British commissioner insisted on proceeding to the Pond du Lac, at the southwest angle of the lake, and thence by the river St. Louis to the Rainy lake. The American commissioner supposed the true course to be to proceed by way of the Dog river. Attempts were made to compromise this difference, but without success. The details of these proceedings are found at length in the printed, separate reports of the commissioners.

From the imperfect knowledge of this remote country, at the date of the treaty of peace, some of the descriptions in that treaty do not harmonize with its natural features as now ascertained. "Long Lake" is no where to be found under that name. There is reason for supposing, however, that the sheet of water intended by that name, is the estuary at the mouth of Pigeon River. The present treaty adopts, therefore, that estuary and river, and afterwards pursues the usual route, across the height of land by the various portages and small lakes, till the line reaches Rainy lake; from which the commissioners agreed on the extension of it to its termination, in the northwest angle of the Lake of the Woods. The region of country on and near the shore of the lake, between Pigeon river on the north, and Pond du Lac and the river St. Louis on the south and west, considered valuable as a mineral region, is thus included within the United States. It embraces a territory of four millions of acres, northward of the claim set up by the British commissioner under the treaty of Ghent. From the height of land at the head of Pigeon River, westerly to the Rainy lake, the country is understood to be of little value, being described by surveyors and marked on the map as a region of rock and water.

From the northwest angle of the Lake of the Woods, which is found to be in latitude 49 deg. 23 min. 55 sec. north, existing treaties require the line to be run due south to its intersection with the 49th parallel, and thence along that parallel to the Rocky Mountains.

After sundry informal communications with the British Minister upon the subject of the claims of the two countries to territory west of the Rocky Mountains, so little probability was found to exist of coming to any agreement on that subject at present, that it was not thought expedient to make it one of the subjects of formal negotiation, to be entered upon between this Government and the British Minister, as part of his duties under his special mission.

By the treaty of 1783, the line of division along the rivers and lakes, from the place where the 45th parallel of north latitude strikes the St. Lawrence, to the outlet of lake Superior, is invariably to be drawn through the middle of such waters, and not through the middle of their

main channels. Such a line, if extended according to the literal terms of the treaty, would, it is obvious, occasionally intersect islands. The manner in which the commissioners of the two Governments dealt with this subject may be seen in their reports. But where the line, thus following the middle of the river, or water course, did not meet with islands, yet it was liable sometimes to leave the only practicable navigable channel altogether on one side. The treaty made no provision for the common use of the waters by the citizens and subjects of both countries.

It has happened, therefore, in a few instances, that the use of the river, in particular places, would be greatly diminished to one party or the other, if, in fact, there was not a choice in the use of channels and passages. Thus at the Long Sault, in the St. Lawrence, a dangerous passage, practicable only for boats, the only safe run is between the Long Sault islands and Barnhart's island, all which belong to the United States on one side, and the American shore on the other. On the other hand, by far the best passage for vessels for any depth of water, from lake Erie into the Detroit river, is between Bois Blanc, a British island, and the Canadian shore. So again there are several channels or passages, of different degrees of facility and usefulness, between the several islands in the river St. Clair, at or near its entry to the lake of that name. In these three cases, the treaty provides that all the several channels and passages shall be free and open to the use of the citizens and subjects of both parties.

The treaty obligations subsisting between the two countries for the suppression of the African slave trade and the complaints made to this Government within the last three or four years, many of them but too well founded, of the visitation, seizure, and detention of American vessels on that coast, by British cruisers, could not but form a delicate and highly important part of the negotiations which have now been held.

The early and prominent part which the Government of the United States has taken for the abolition of this unlawful and inhuman traffic, is well known. By the tenth article of the Treaty of Ghent, it is declared that the traffic in slaves is irreconcilable with the principles of humanity and justice, and that both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; and it is thereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object. The Government of the United States has, by law, declared the African slave trade piracy; and at its suggestion other nations have made similar enactments. It has not been wanting in honest and zealous efforts, made in conformity with the wishes of the whole country, to accomplish the entire abolition of the traffic in slaves upon the African coast; but these efforts, and those of other countries, directed to the same end, have proved, to a considerable degree, unsuccessful. Treaties are known to have been entered into some years ago, between England and France, by which the former power, which usually maintains a large naval force on the African station, was authorized to seize and bring in for adjudication, vessels found engaged in the slave trade under the French flag.



It is known, that in December last, a treaty was signed in London by the representatives of England, France, Russia, Prussia, and Austria, having for its professed object a strong and united effort of the five powers to put an end to the traffic. This treaty was not officially communicated to the Government of the United States, but its provisions and stipulations are supposed to be accurately known to the public. It is understood to be not yet ratified on the part of France.

No application or request has been made to this Government to become party to this treaty ; but the course it might take in regard to it, has excited no small degree of attention and discussion in Europe, as the principle upon which it is founded, and the stipulations which it contains, have caused warm animadversions and great political excitement.

In my message at the commencement of the present session of Congress, I endeavored to state the principles which this Government supports respecting the right of search and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the honor and dignity of the country, that it should execute its own laws, and perform its own obligations, by its own means and its own power.

The examination or visitation of the merchant vessels of one nation by the cruisers of another, for any purpose except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. It is far better by other means to supersede any supposed necessity, or any motive, for such examination or visit. Interference with a merchant vessel by an armed cruiser, is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient, not only in accordance with the stipulations of the treaty of Ghent, but at the same time as removing all pretext on the part of others for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the Senate.

The treaty which I now submit to you, proposes no alteration, mitigation, or modification of the rules of the law of nations. It provides simply that each of the two governments shall maintain on the coast of Africa a sufficient squadron to enforce, separately, and respectively, the laws, rights, and obligations of the two countries, for the suppression of the slave trade.

Another consideration of great importance has recommended this mode of fulfilling the duties and obligations of the country. Our commerce along the western coast of Africa is extensive, and supposed to be increasing. There is reason to think, that in many cases those engaged in it have met with interruptions and annoyances, caused by the jealousy and instigation of rivals engaged in the same trade. Many complaints on this subject have reached the Government. A respectable naval force on the coast is the natural resort and security against further occurrences of this kind.

The surrender to justice of persons who, having committed high crimes, seek asylum in the territories of a neighboring nation, would seem to be

an act due to the cause of general justice, and properly belonging to the present state of civilization and intercourse. The British Provinces of North America are separated from the States of the Union by a line of several thousand miles, and along portions of this line the amount of population on either side is quite considerable, while the passage of the boundary is always easy.

Offenders against the law on the one side, transfer themselves to the other. Sometimes, with great difficulty, they are brought to justice, but very often they wholly escape. A consciousness of immunity, from the power of avoiding justice in this way, instigates the unprincipled and reckless to the commission of offences, and the peace and the good neighborhood of the border are consequently often disturbed.

In the case of offenders fleeing from Canada into the United States, the Governors of States are often applied to for their surrender, and questions of a very embarrassing nature arise from these applications. It has been thought highly important, therefore, to provide for the whole case by a proper treaty stipulation. The article on the subject in the proposed treaty is carefully confined to such offences as all mankind agree to regard as heinous, and destructive of the security of life and property. In this careful and specific enumeration of crimes, the object has been to exclude all political offences, or criminal charges arising from wars or intestine commotions. Treason, misprision of treason, libels, desertion from military service, and other offences of similar character, are excluded.

And, lest some unforeseen inconvenience or unexpected abuse should arise from the stipulation, rendering its continuance, in the opinion of one or both of the parties, not longer desirable, it is left in the power of either to put an end to it at will.

The destruction of the steamboat *Caroline* at Schlosser, four or five years ago, occasioned no small degree of excitement at the time, and became the subject of correspondence between the two Governments. That correspondence having been suspended for a considerable period, was renewed in the spring of last year, but no satisfactory result having been arrived at, it was thought proper, though the occurrence had ceased to be fresh and recent, not to omit attention to it on the present occasion. It has only been so far discussed in the correspondence now submitted, as it was accomplished by a violation of the territory of the United States. The letter of the British Minister, while he attempts to justify that violation upon the ground of a pressing and overruling necessity, admitting, nevertheless, that even if justifiable, an apology was due for it, and accompanying this acknowledgment with assurances of the sacred regard of his Government for the inviolability of national territory, has seemed to me sufficient to warrant forbearance from any further remonstrance against what took place, as an aggression on the soil and territory of the country.

On the subject of the interference of the British authorities in the West Indies, a confident hope is entertained, that the correspondence which has taken place, showing the grounds taken by this Government, and the engagements entered into by the British Minister, will be found such as to satisfy the just expectation of the people of the United States.

The impressment of seamen from merchant vessels of this country by British cruisers, although not practiced in time of peace, and therefore not at present a productive cause of difference and irritation, has, nevertheless, hitherto been so prominent a topic of controversy, and is so likely to bring on renewed contentions at the first breaking out of an European war, that it has been thought the part of wisdom now to take it into serious and earnest consideration. The letter from the Secretary of State to the British Minister explains the ground which the Government has assumed, and the principles which it means to uphold. For the defence of these grounds, and the maintenance of these principles, the most perfect reliance is placed on the intelligence of the American people, and on their firmness and patriotism, in whatever touches the honor of the country, or its great and essential interests.

JOHN TYLER.

Washington, August 11, 1842.

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*Correspondence between the British Special Minister and the Secretary of State, respecting the Northeastern and Northwestern Boundary.*

*Lord Ashburton to Mr. Webster.*

WASHINGTON, June 13, 1842.

SIR : On considering on the most effectual mode of proceeding, to arrive at an amicable and satisfactory termination of the long-continued controversy respecting the Northeastern Boundary, between the British colony of New Brunswick and the State of Maine, I believe that I may confidently conclude, from what has passed in the preliminary conference which I have had the honor of holding with you, that we concur in the opinion that no advantage would be gained by resorting to the interminable discussion on the general ground on which each party consider their claims respectively to rest. In the course of the many years that this discussion has lasted, every argument, on either side, is apparently exhausted, and that without any approach to an agreement. The present attempt, therefore, of a settlement must rest, for its success, not on the renewal of a controversy, but on proceeding upon a presumption, that all means of a reciprocal conviction having failed, as also the experiment of calling in the aid of a friendly arbiter and umpire, there remains only the alternative of a compromise for the solution of this, otherwise, apparently insurmountable difficulty, unless, indeed, it were determined to try a second arbitration, attended by its delay, trouble, and expense, in defiance of past experience as to the probability of any more satisfactory results.

It is undoubtedly true, that, should our present attempt unfortunately fail, there might remain no other alternative but a second reference; yet when I consider all the difficulty and uncertainty attending it, I trust that all parties will come to the conclusion that the very intricate details connected with the case must be better known and judged by our two Governments, than any diligence can make them to be by any third party, and that a sincere, candid disposition to give reciprocally fair weight to

the arguments on either side, is likely to lead us to a more satisfactory settlement than an engagement to abide by the uncertain award of a less competent tribunal.

The very friendly and cordial reception given by you, Sir, as well as by the authorities of your Government, to the assurance that my mission here, by my sovereign, has been determined by an unfeigned desire to settle this and all other questions between us, on principles of conciliation and justice, forbid me to anticipate the possibility of the failure of our endeavors applied with sincerity to this purpose.

With this view of the case, therefore, although not unprepared to enter into the general argument, I abstain from so doing from the conviction that an amicable settlement of this vexed question, so generally desired, will be thereby best promoted. But, at the same time, some opinions have been industriously propagated throughout this controversy, and in some instances by persons in authority, of a description so much calculated to mislead the public mind, that I think it may be of service to offer a few observations.

I do not, of course, complain of the earnest adherence of partisans on either side to the general arguments on which their case is supposed to rest; but a position has been taken, and facts have been repeatedly stated, which I am sure the authorities of the Federal Government will be abundantly able to contradict, but which have evidently given rise to much public misapprehension. It is maintained that the whole of this controversy about the boundary began in 1814, that up to that period the line as claimed by Maine was undisputed by Great Britain, and that the claim was avowedly founded on motives of interest, to obtain the means of conveniently connecting the British provinces. I confine these remarks to the refuting this imputation, and I should, indeed, not have entered upon the controversy, even on this, if it did not appear to involve in some degree a question of national sincerity and good faith.

The assertion is founded on the discussions which preceded the treaty of peace signed at Ghent, in 1814. It is perfectly true that a proposal was submitted by the British plenipotentiaries for the revision of the boundary line on the northeastern frontier, and that it was founded on the position that it was desired to secure the communication between the provinces, the precise delineation of which was at that time imperfectly known. The American plenipotentiaries in their first communication from Ghent to the Secretary of State, admit that the British ministers disclaimed any intention of acquiring an increase of territory, and that they proposed the revision for the purpose of preventing uncertainty and dispute, a purpose sufficiently justified by subsequent events. Again, in their note of the 4th of September, 1814, the British ministers remind those from America that the boundary had never been ascertained, and that the line *claimed by America*, which interrupted the communication between Halifax and Quebec, never could have been in the contemplation of the parties to the treaty of peace in 1783. The same view of the case will be found to pervade all the communications between the plenipotentiaries of the two countries at Ghent. There was no attempt to press any cession of territory on the ground of policy or expediency; but



though the precise geography of the country was then imperfectly known, it was notorious at the time that different opinions existed as to the boundary likely to result from continuing the north line from the head of the river St. Croix. This appears to have been so clearly known and admitted by the American plenipotentiaries, that they, in submitting to the conference the project of a treaty, offer a preamble to their fourth article, in these words: "Whereas neither *that part of the highlands* lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two powers, as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut river, has yet been ascertained," &c.

It should here be observed that these are the words proposed, not by the British, but by the American negotiators, and that they were finally adopted by both, in the fifth article of the treaty.

To close my observations upon what passed on this subject at Ghent, I would draw your attention to the letter of Mr. Gallatin, one of the American plenipotentiaries, to Mr. Secretary Monroe, on the 25th December, 1814.

He offers the following conjecture as to what might probably be the arguments of Great Britain against the line set up by America: "They hope that the river which empties into the Bay de Chaleurs in the Gulf of St. Lawrence, has its source so far west as to intervene between the head waters of the river St. John, and those of the streams emptying into the river St. Lawrence; so that the line north from the river St. Croix will first strike the height of land which divides the waters emptying into the Atlantic Ocean (river St. John) from those emptying into the *Gulf* of St. Lawrence, (river de Chaleurs) and afterwards the heights of land which divide the waters emptying into the *Gulf* of St. Lawrence (river de Chaleurs) from those emptying into the river St. Lawrence; but that the said line never can, in the words of the treaty, strike any spot of land actually dividing the waters emptying into the Atlantic Ocean, from those which empty into the river St. Lawrence."

So obvious an argument in opposition to the line claimed by America, could not escape the known sagacity of Mr. Gallatin. I state it not for the purpose of discussing its merit, but to show that, at Ghent, not only the fact was well known that this boundary was a matter in dispute, but that the argument respecting it had then been weighed by the gentlemen so eminent in its subsequent discussion.

Indeed, the fact that the American ministers made the disputed question a matter for reference, by a treaty afterwards ratified by the President and Senate, must to every candid mind be sufficient proof that it was generally considered to be involved in sufficient doubt to entitle it to such a mode of solution. It cannot, possibly, be supposed that the President and Senate would have admitted, by treaty, doubts respecting this boundary, if they had been heard of for the first time through the pretension of the British plenipotentiaries at Ghent.

If the argument or assertions which I am now noticing, and to which I studiously confine myself, had not come from authority, I should owe some apology for these observations. The history of this important con-

troversy is too well known to you, sir, and stands but too voluminously recorded in your department, to make them necessary for your own information.

The repeated discussions between the two countries, and the repeated projects for settlement which have occupied every succeeding administration of the United States, sufficiently prove how unfounded is the assertion, that the doubts and difficulties respecting this boundary had their first origin in the year 1814. It is true that down to that time, and indeed, to a later period, the local features of the country were little known, and the different arguments had in consequence not assumed any definite form; but sufficient was known to both parties to satisfy them of the impossibility of tracing strictly the boundary, prescribed by the treaty of peace in 1783. I would refer in proof of this, simply to American authorities, and those of the very first order.

In the year 1802, Mr. Madison, at that time Secretary of State for the U. States, in his instructions to Mr. Rufus King, observed that the difficulty in fixing the northwest angle of Nova Scotia, "arises from a reference in the treaty of 1783, to highlands, which it is now found have no definite existence." And he suggests the appointment of a commission, to be jointly appointed, "to determine on a point most proper to be *substituted* for the description in Article II. of the treaty of 1783." Again, Mr. President Jefferson, in a message to Congress, on the 17th October, 1803, stated that "a further knowledge of the ground in the northeastern or northwestern angles of the United States has evinced that the boundaries established by the treaty of Paris, between the British territory and ours, in those points, were too imperfectly described to be susceptible of execution." These opinions of two most distinguished American statesmen gave rise to a convention of boundary made in London by Rufus King and Lord Hawkesbury, which from other circumstances, which it is not necessary to refer to, was not ratified by the Senate.

I might further refer you on this subject to the report of Judge Sullivan, who acted as a commissioner of the United States, for settling the controversy with Great Britain, respecting the true river St. Croix, who says, "the boundary between Nova Scotia and Canada was described by the King's proclamation in the same mode of expression, as that used in the treaty of peace. Commissioners who were appointed to settle that line, have traversed the country in vain to find the highlands designated as the boundary."

With these known facts, how can it possibly be maintained, that doubts about the boundary arose for the first time in the year 1814?

I need not pursue this subject further. Indeed, it would have been useless to treat of it at all with any person having before him the records of the diplomatic history of the two countries for the last century. My object in adverting to it, is, to correct an error, arising, I am ready to believe, not from any intention to misrepresent, but from want of information, and which seemed to be sufficiently circulated to make some refutation useful towards promoting the desired friendly and equitable settlement of this question.

We believe the position maintained by us on the subject of this bound-

ary to be founded in justice and equity ; and we deny that we have been determined in our pretensions by policy and expedience. I might, perhaps, fairly admit, that those last mentioned considerations have prompted, in some measure, our perseverance in maintaining them. The territory in controversy, is, (for that portion of it at least which is likely to come to Great Britain by any amicable settlement,) as worthless for any purpose of habitation or cultivation, as probably any tract of equal size on the habitable globe, and if it were not for the obvious circumstances of its connecting the British North American provinces, I believe, I might venture to say, that whatever might have been the merit of our case, we should long since have given up the controversy, and willingly have made the sacrifice to the wishes of a country with which it is so much our interest, as it is our desire, to maintain the most perfect harmony and good will.

I trust that this sentiment must be manifest in my unreserved communication with you on this, and on all other subjects connected with my mission. If I have failed in this respect, I shall have ill obeyed the instructions of my Government and the earnest dictates of my personal inclination. Permit me, sir, to avail myself of this, my first opportunity of formally addressing you, to assure you unfeignedly of my most distinguished consideration.

ASHBURTON.

*Hon. Daniel Webster, &c. &c.*

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*Mr. Webster to Lord Ashburton.*

DEPARTMENT OF STATE, }  
Washington, June 17, 1842. }

Lord Ashburton, having been charged by the Queen's Government, with full powers to negotiate and settle all matters in discussion between the United States and England, and having on his arrival at Washington, announced, that in relation to the question of the northeastern boundary of the United States, he was authorized to treat for a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents as might be thought just and equitable, and that he was ready to enter upon a negotiation for such conventional line, as soon as this Government should say that it was authorized and ready on its part, to commence such negotiation. The undersigned, Secretary of State of the United States, has now the honor to acquaint his Lordship, by direction of the President, that the undersigned is ready, on behalf of the Government of the United States, and duly authorized to proceed to the consideration of such conventional line, or line by agreement, and will be happy to have an interview on this subject at his Lordship's convenience.

The undersigned avails himself on this occasion to tender to Lord Ashburton assurances of his distinguished consideration.

DANIEL WEBSTER.

*Lord Ashburton, &c. &c.*

*Lord Ashburton to Mr. Webster.*

WASHINGTON, June 17, 1842.

The undersigned, Plenipotentiary of her Britannic Majesty, on an extraordinary and special mission to the United States of America, has the honor of acknowledging, with much satisfaction, the communication received to-day from Mr. Webster, Secretary of State of the United States, that he is ready on behalf of the United States, and duly authorized, in relation to the question of the Northeastern Boundary of the United States, to proceed to the consideration of a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents as might be thought just and equitable. And in reply to Mr. Webster's invitation to the undersigned, to fix some time for their conference upon this subject, he begs to propose to call on Mr. Webster at the Department of State, to-morrow at 12 o'clock, for this purpose, should that time be perfectly convenient to Mr. Webster.

The undersigned avails himself of this opportunity to assure Mr. Webster of his distinguished consideration.

ASHBURTON.

*Hon. Daniel Webster, &c. &c.**Mr. Webster to Lord Ashburton.*

DEPARTMENT OF STATE, }  
Washington, June 17, 1842. }

The Secretary of State will have great pleasure in seeing Lord Ashburton at 12 o'clock to-morrow, as proposed by him.

*Lord Ashburton to Mr. Webster.*

WASHINGTON, June 21, 1842.

SIR: The letter you did me the honor of addressing me on the 17th inst. informed me that you were now prepared and authorized to enter with me into discussion of that portion of the difference between our two countries, which relates to the Northeastern Boundary; and we had the following day our first formal conference for this purpose, with a view to consider, in the first instance, the best mode of proceeding to arrive at what is so much desired by all parties — an amicable, and at the same time equitable settlement of a controversy, which, with the best intentions, the authorities of the two countries, for nearly half a century, have in vain endeavored to effect.

The result of this conference has been, that I have been invited by you to state generally my view of this case, and of the expectation of my Government; and although I am aware, that in the ordinary practice of



diplomatic intercourse, I should expose myself to some disadvantage by so doing, I nevertheless, do not hesitate to comply, premising only, that the following observations are to be considered merely as memoranda for discussion, and not as formal propositions to have any binding effect, should our negotiation have the unfortunate fate of the many which have preceded it, of ending in disappointment.

I believe you are sufficiently aware of the circumstances which induced me personally to undertake this mission. If the part which, during a long life, I have taken in public affairs, is marked by any particular character, it has been an earnest, persevering desire to maintain peace, and to promote harmony between our two countries. My exertions were unavailingly employed to prevent the last unfortunate war, and have since been unremitting in watching any passing clouds which might at any time forebode its renewal. On the accession to power of the present ministers in England, perceiving the same wise and honorable spirit to prevail with them, I could not resist the temptation and the hope of being of some service to my country, and to our common race, at a time of life when no other cause could have had sufficient interest to draw me from a retirement better suited to my age and to my inclination.

I trust, sir, that you will have perceived in the course of my hitherto informal communications with you, that I approach my duties generally without any of those devices and manœuvres which are supposed, I believe ignorantly, to be the useful tools of ordinary diplomacy. With a person of your penetration they would avail as little as they would with the intelligent public of the two great enlightened countries, of whose interests we are treating. I know no other mode of acting than an open, plain dealing, and I therefore disregard, willingly, all the disadvantage of complying with the invitation given me to be the first to speak on this question of the eastern boundary. It is already agreed, that we abstain from a continued discussion of the arguments by which the lines of the two countries are reciprocally maintained; and I have so well observed this rule, that I have not even communicated to you a volume of additional controversial matter which I brought with me, and much of which would, if controversy were our object, be of no inconsiderable weight and importance. It would be in the event only of the failure of this negotiation, which I will not anticipate, that we should be again driven into the labyrinth, from which it is our purpose to escape, and that failing to interpret strictly the words of the treaty, we should be obliged to search again into contemporaneous occurrences and opinion for principles of construction which might shed light on the actual intentions of the parties.

Our success must, on the contrary, depend on the reciprocal admission, or presumption that the royal arbiter was so far right when he came to the conclusion which others had come to before him, that the treaty of 1783 was not executable according to its strict expression, and that the case was therefore one for agreement by compromise. The only point upon which I thought it my duty to enter upon any thing like controversy, is that referred to in my letter of the 13th instant, and I did so to rescue my government and myself from an imputation of unworthy mo-

tives, and the charge that they had set up a claim which they knew to be unfounded, from mere considerations of policy or convenience. The assertions of persons in my position, on subjects connected with diplomatic duties, are naturally received by the world with some caution; but I trust that you will believe me when I assure you that I should not be the person to come here on any such errand.

I do not pretend, nor have I ever thought the claim of Great Britain, with respect to this boundary, any more than the claim of America, to be unattended with difficulties. The claims have been considered by impartial men, of high authority and unquestioned ability, to be equally so attended, and therefore it is that this is a question for a compromise, and it is this compromise which it has become our duty to endeavor to accomplish.

I will only here add the most solemn assurance, which I would not lightly make, that after a long and careful consideration of all the arguments and inferences, direct and circumstantial, bearing on the whole of this truly difficult question, it is my settled conviction that it was the intention of the parties to the treaty of peace of 1783, however imperfectly those intentions may have been executed, to leave to Great Britain by their description of boundaries, the whole of the waters of the river St. John.

The length of these preliminary observations requires, perhaps, some apology, but I now proceed to comply with your application to me to state the principles and conditions on which it appears to me that this compromise, which it is agreed we should attempt, should be founded.

A new boundary is in fact to be traced between the State of Maine and the Province of New Brunswick. In doing this, reference must be had to the extent and value of the territory in dispute, but as a general principle, we cannot do better than keep in mind the intention of the framers of the first treaty of peace in 1783, as expressed in the preamble to the provisional article in the following words: "Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, &c." I have on a former occasion explained the reasons which have induced the British Government to maintain their rights in this controversy beyond any apparent value in the object in dispute, to be the establishing of a good boundary between our two countries, so as to prevent collision and dispute, and an unobstructed communication and connection of our colonies with each other. Further, it is desired to retain under the jurisdiction of each government respectively, such inhabitants as have for a length of time been so living, and to whom a transfer of allegiance might be painful or distressing.

These are briefly the objects we have in view, and which we must now seek to reconcile to a practical division of the territory in dispute. Great Britain has no wish of aggrandizement for any general purpose of increased dominion, as you must be satisfied by the liberality with which I have professed myself ready to treat questions of boundaries in other quarters, where no considerations of particular convenience or fitness occur. I might further prove this by calling your attention to the fact, that of the land likely to come to us by any practical settlement, nine-

tenth parts of it are, from its position and quality, wholly worthless. It can support no population, it grows even little timber of value, and can be of no service but as a boundary, for two distinct governments.

In considering on the map a division of the territory in question, this remarkable circumstance must be kept in mind, that a division of acres by their number would be a very unequal division of their value. The southern portion of this territory, the valley of the Aroostook, is represented to be one of the most beautiful and most fertile tracts of land in this part of the continent, capable of the highest state of cultivation, and covered with fine timber, while the northern portion, with the exception of that small part comprised within the Madawaska settlement, is of the miserable description I have stated. It would be no exaggeration to say, that one acre on the Aroostook would be of much more value than ten acres north of the St. John. There would be, therefore, no equality in making a division of acre for acre.

But although I remind you of this circumstance, I do not call on you to act upon it. On the contrary, I am willing that you should have the advantage in this settlement, both in the quantity and quality of this land. All I wish is to call this fact in proof of my assertion, that the object of Great Britain was simply to claim that which was essential to her, and would form a convenient boundary, and to leave all the more material advantages of this bargain to the State of Maine.

I now come to the more immediate application of these principles to a definite line of boundary: and looking at the map with reference to the sole object of Great Britain as already described, the line of the St. John from where the north line of the St. Croix strikes it, up to some one of its sources, seems evidently to suit both parties, with the exception which I shall presently mention.

This line throws the waste and barren tract to Great Britain, and the rich and valuable lands to Maine; but it makes a good boundary, and thus avoids collision and probable dispute; and for the reasons stated, we should be satisfied with it if it were not for the peculiar circumstances of a settlement formed on both sides of the St. John, from the mouth of the Madawaska up to that of Fish river.

The history and circumstances of this settlement are well known to you. It was originally formed from the French establishment in Acadia, and has been uninterruptedly under French or British dominion, and never under any other laws. The inhabitants have professed great apprehension of being surrendered by Great Britain, and have lately sent an earnest petition to the Queen, deprecating that being done.

Further, this settlement forms one united community all connected together, and living some on one and some on the other side of the river, which forms a sort of high road between them.

It seems self evident that no more inconvenient line of boundary could well be drawn than one which divides in two an existing municipality, inconvenient as well to the inhabitants themselves as to the authorities under which they are to live. There would be evident hardship, I might say, cruelty, in separating this now happy and contented village, to say nothing of the bickerings and probable collisions likely to arise from

taking in this spot the precise line of the river, which would under other circumstances satisfy us. Indeed, I should consider that such a separation of these industrious settlers, by placing them under separate laws and governments, a most harsh proceeding, and that we should thereby abandon the great object we should have in view, of the happiness and convenience of the people, and the fixing a boundary the least likely to occasion future strife.

I dwell on this circumstance at some length, in justification of the necessity I am under of departing to this inconsiderable extent from the marked line of the river St. John. What line should be taken to cover this difficulty, I shall have to consider with you; but I cannot in any case abandon the obvious interests of the people. It will be seen by an inspection of the map, that it is not possible to meet this difficulty by making over to Maine the northern portion of this settlement, as that would be giving up by Great Britain the immediately adjoining communication with Canada, which it is her principal object to preserve.

These observations dispose of those parts of the question which immediately concern the State of Maine; but it may be well at the same time to state my views respecting the adjoining boundary of the States of New Hampshire, Vermont, and New York, because they made part of the reference to the King of the Netherlands, and were indeed the only part of the subject in dispute upon which a distinct decision was given.

The question here at issue between the two countries was, as to the correct determination of the parallel of latitude, and the true source of the Connecticut river. Upon both these points decisions were pronounced in favor of Great Britain; and I might add that the case of America, as matter of right, was but feebly and doubtingly supported by her own authorities. I am nevertheless disposed to surrender the whole of this case, if we should succeed in settling, as proposed, the boundary of Maine. There is a point or two in this line of boundary where I may have to consider, with the assistance of the surveyors acquainted with the localities, the convenience of the resident settlers, as also, which line may best suit the immediate country at the head of the Connecticut river, but substantially the Government of America shall be satisfied, and this point be yielded to them.

This concession, conceded with reference to the value of the land ceded, which is generally reported to be fertile, and to contain a portion at Rouse's Point much coveted in the course of the controversy, would, under ordinary circumstances, be considered of considerable importance.

The concession will, however, be made by Great Britain without reluctance, not only to mark the liberal and conciliatory spirit by which it is desired to distinguish these negotiations, but because the case is in some respects analogous to that of the Madawaska settlements, before considered. It is believed that the settlers on the narrow strip, which would be transferred to Great Britain by rectifying the 45th parallel of latitude, which was formerly incorrectly laid down, are principally from the United States, and that their opinions and habits incline them to evince a preference to that form of Government, under which, before the



discovery of the error in question, they supposed themselves to be living. It cannot be desired by Her Majesty to acquire any addition of territory under such circumstances, whatever may be the weight of her rights; but it will be observed that the same argument applies almost exactly to the Madawaska settlement, and justifies the reservation I am thus obliged to make. In these days the convenience and happiness of the people to be governed will ever be the chief guide in transactions of this description, between such Governments as those of Great Britain and the United States.

Before quitting this subject, I would observe, that it is rumored that Major Graham, in his late survey of Maine, reports some deviation from the true north of the line from the head of the St. Croix towards the St. John. I would here also propose to abide by the old line long established, and from which the deviation by Major Graham is, I am told, inconsiderable, without at all doubting the accuracy and good faith of that very distinguished officer.

In stating the important concessions I am prepared to make on a final settlement of these boundaries, I am sensible that concessions to one State of this Union are not always to be made available for the satisfaction of any other; but you are aware that I am treating with the United States, and that for a long line of important boundaries, and that I cannot presume to enter on the question how the settlement might operate on, or be in any way compensated to, the different States of the confederacy.

I should, however, add my unfeigned belief, that what I have proposed will appear reasonable with reference to the interests of the State of Maine considered singly.

That the proposition, taken as a whole, will be satisfactory to the country at large, I can entertain no doubt.

I abstain from noticing here, the boundaries further west, which I am prepared to consider and to settle, because they seem to form a part of a case which it will be more convenient to treat separately.

In the course of these discussions much anxiety has been expressed that Maine should be assured of some means of communication by the St. John, more especially for the conveyance of her lumber. This subject I am very willing to consider, being sensible of the great importance of it to that State, and that the friendly and peaceful relations between the neighboring countries cannot be better secured than by reciprocally providing for all their wants and interests. Lumber must for many years be the principal produce of the extensive valley of Aroostook, and of the southern borders of the St. John; and it is evident that this article of trade being worth any thing, must mainly depend upon its having access to the sea through that river. It is further evident, that there can be no such access under any arrangement otherwise than by the consent of the Province of New Brunswick. It is my wish to seek an early opportunity of considering, with some person well acquainted with the commerce of that country, what can be done to give it the greatest possible freedom and extent, without trenching too much on the fiscal regulations of the two countries. But, in the mean time, in order to meet at once the urgent wants and wishes of Maine in this respect, I would engage that,

on the final settlement of these differences, all lumber and produce of the forest of the tributary waters of the St. John shall be received freely without duty, and dealt with in every respect like the same articles of New Brunswick.

I cannot now say positively whether I may be able to go further, but this seems to me what is principally required. Suggestions have at times been thrown out of making the port and river of St. John free to the two countries, but I think you will be sensible that this could not be done without some reciprocity for the trade of the St. John in the ports of the United States, and that, in endeavoring to regulate this, we should be embarking in an intricate question, much and often discussed between the two countries. It cannot also fail to occur to you that joint rights in the same harbors and waters must be a fruitful source of dissension, and that it behooves us to be careful not to sow the seeds of future differences in the settlement of those in our own day.

I have now stated, as I was desired to do, my views of the terms on which it appears to me that this settlement may be made. It must be sufficiently evident that I have not treated the settlement in the ordinary form of a bargain, where the party making the proposal leaves himself something to give up.

The case would not admit of this, even if I could bring myself so to act. It would have been useless for me to ask what I know could not be yielded, and I can unfeignedly say, that, even if your vigilance did not forbid me to expect to gain any undue advantage over you, I should have no wish to do so. The treaty we have to make will be subjected to the scrutiny of a jealous and criticising public, and it would ill answer its main purpose of producing and perpetuating harmony and good will, if its provisions were not considered by good and reasonable men to make a just and equitable settlement of this long continued controversy.

Permit me, sir, to conclude with the assurance of my distinguished consideration.

ASHBURTON.

HON. DANIEL WEBSTER, &c. &c.

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*Mr. Webster to Lord Ashburton.*

DEPARTMENT OF STATE, }  
Washington, July 8, 1842. }

MY LORD — Your notes of the 13th and 21st of June were duly received. In the first of these, you correctly say, that in our conference on the Boundary Question, we have both been of opinion, that no advantage would be gained by resorting at this time to the discussion at length of the grounds on which each party considers its claim of right to rest. At the same time you deem it expedient, nevertheless, to offer some observations, calculated, in your judgment, to repel a supposed allegation, or suggestion, that this controversy only began in 1814; that up to that period the American claim was undisputed; and that the

English claim, as now set forth, is founded merely in motives of interest. Nothing is more natural than that your Lordship should desire to repel an imputation which would impeach the sincerity and good faith of your government, and all the weight which justice and candor require, are given to your Lordship's observations in this respect. It is not my purpose, nor do I consider it pertinent to the occasion, to go into any consideration of the facts and reasonings presented by you, to show the good faith and sincerity of England in the claim asserted by her. Any such discussion would be a departure from the question of right now subsisting between the two governments, and would be more especially unfit for an occasion in which the parties are approaching each other in a friendly spirit, with the hope of terminating the controversy by agreement. Following your lordship's example, however, I must be permitted to say, that few questions have ever arisen under this government, in regard to which, a stronger or more general conviction was felt that this country was in the right, than this question of the northeastern boundary. To say nothing of the sentiments of the government and people of the States more directly interested, whose opinions may be supposed capable of bias, both Houses of Congress, after full and repeated consideration, have affirmed the validity of the American claim, by a unanimity experienced on very few other subjects, and the general judgment of the whole people seems to be the same way.

Abstaining from all historical facts, all contemporaneous expositions, and all external arguments and circumstances, I will venture to present to your lordship a very condensed view of the reasons which produce in this country the conviction that a boundary line may be ascertained, run, and delineated with provisions, under and according to the words of the stipulation in the treaty of 1783, that no doubt can be raised by any part of that stipulation, which other parts of it do not remove or explain, and that a line so run would include all that the United States claim. This view is presented by a series of short propositions.

1. The northwest angle of Nova Scotia is the thing to be sought for and found.

2. That angle is to be ascertained by running a line due north from the source of the St. Croix river till that line reaches the highlands, and where such north line intersects the highlands, there is the angle; and thence the line is to run along the said highlands, which said highlands divide those rivers which empty themselves into the river St. Lawrence, from those that fall into the Atlantic Ocean. The angle required, therefore, is an angle made by the intersection of a due north line with the highlands, from one slope of which the rivers empty themselves into the river St. Lawrence, and from the other into the Atlantic Ocean.

3. Supposing it to be matter of doubt whether the St. John and the Restigouche are rivers falling into the Atlantic Ocean in the sense of the treaty, then the rule of just interpretation is, that if one element or one part in the description be uncertain, it is to be explained by others which are certain, if there be such others.

Now there is no doubt as to the rivers which fall into the St. Lawrence. They are certain, and to their sources the north line is to run,

since at their sources the highlands required by the treaty do certainly exist. And departing from the rule just prescribed to myself, I will remind your lordship that the joint commissioners and the agents of the two Governments in 1817, in giving the surveyors instructions for finding these highlands, directed them, in terms, to proceed upon a due north line, "till they should arrive at some one of the streams connected with the river St. Lawrence," and then to explore the highlands from that point to the northwesternmost head of Connecticut river. It is indisputable that a line run according to their instructions, thus given by the commissioners and agents of both governments, would give to the United States all that they have at any time claimed.

4. It is certain, that by the treaty the eastern boundary of the United States, from the head of the St. Croix, is to be a due north and south line. And it is equally certain that the line is to run north until it reaches the highlands from whose northern waters head the rivers flow into the St. Lawrence.

5. These two things, being, one mathematically, and the other physically certain in themselves, and capable of being precisely marked and delineated, explain or control the uncertainty, if there be uncertainty, in the other part or element of the description.

6. The British argument, assuming that the Bay of Fundy, and more especially the Bay of Chaleur, are not the Atlantic Ocean, within the meaning of the treaty, insists that the rivers flowing into these bays are not, therefore, in the sense of the treaty, rivers falling into the Atlantic, and therefore the highlands to which the United States claim, have not that southern or eastern watersheds which the treaty calls for, and as it is agreed, nevertheless, that we must somewhere find highlands, and go to them, whose northern waters run into the St. Lawrence, the conclusion is, that the different parts of the description in the treaty do not cohere, and that therefore the treaty cannot be executed.

7. Our answer to this, as is obvious from what has already been said, is two-fold.

Ist. What may be doubtful in itself, may be made certain by other things which are certain; and inasmuch as the treaty does certainly demand a due north line, and does certainly demand the extension of that line to the highlands from whose northern sides the rivers flow into the river St. Lawrence, these two requirements make it plain, that the parties to the treaty considered in fact, the rivers flowing from the south or east of the *said* highlands, to be rivers falling into the Atlantic Ocean, because they have placed St. Lawrence river and the Atlantic rivers in contradistinction to each other, as rivers running in opposite directions, but with their sources in the same highlands. Rivers fed from these highland fountains, running north or northwest, are rivers emptying themselves into the St. Lawrence; and rivers rising from the same fountains, and running in an opposite direction, seem to be as clearly meant to be designated by the character of Atlantic rivers. And, as strongly corroborating this view of the subject, allow me to call your lordship's attention to two facts.

1. The coast of the Atlantic Ocean, from the Penobscot river north-



easterly, and the western shore of the Bay of Fundy, which is but a continuation of the coast, and is in a line with it, are very nearly parallel to the course of the river St. Lawrence through the same latitudes. This is obvious from the map.

2. The rivers which from their sources in the same ridge, flow respectively into the St. Lawrence and into the Bay of Fundy, and even into the Bay of Chaleur, run with remarkable uniformity in directions almost exactly opposite, as if hastening away from a common origin to their different destinations by the shortest course. The only considerable exception to this is the northern sweep of the upper part of the St. John; but the smaller streams flowing into this part of that river from the west, still strictly obey the general rule.

Now if, from a certain general line on the face of the country, or as delineated on the map, rivers are found flowing away in opposite directions, however strongly it may be asserted that the mountains, or eminences are but isolated elevations, it is nevertheless absolutely certain that such line does in fact define a ridge of highlands which turns the waters both ways.

And as the commissioners in 1783 had the map before them; as they saw the parallelism of the sea coast and the course of the St. Lawrence; as they saw rivers rising from a common line and running, some north or northwest, and others south or southeast; and as they speak of some of these rivers as emptying themselves into the river St. Lawrence, and of the others as falling into the Atlantic Ocean; *and as they make no third class*, is there a reasonable doubt in which class they intend to comprehend all the rivers running in a direction from the St. Lawrence, whether falling immediately or only ultimately into the Atlantic Ocean?

If there be nothing incoherent or inconsequential in this chain of remarks, it will satisfy your lordship, I trust, that it is not without reason that American opinion has settled firmly in the conviction of the rights of the American side of the question; and I forbear from going into the consideration of the mass of other arguments and proofs, for the same reasons which restrain your lordship from entering into an extended discussion of the question, as well as because your lordship will have an opportunity of perusing a paper addressed to me by the commissioners of Maine, which strongly presents the subject on other grounds and in other lights.

I am now to consider your lordship's note of the 21st June. Before entering upon this, I have the President's instructions, to say, that he fully appreciates the motives which induced your lordship, personally, to undertake your present mission; that he is quite aware that your public life has been distinguished by efforts to maintain peace and harmony between the two countries; that he quite well recollects that your exertions were employed to prevent the late war; and that he doubts not the sincerity of your declaration, that nothing could have drawn you from your retirement, and induced you to engage in your present undertaking, but the hope of being of service to your country and to our common race. And I have the utmost pleasure, my Lord, in acknowledging the frankness, candor, and plain dealing, which has characterized your offi-

cial intercourse with this Government, nor am I permitted or inclined to entertain any doubt of your lordship's entire conviction, as expressed by yourself, as to the merits of this controversy and the difficulties of the case. The question before us, is whether these confident opinions, on both sides, of the rightful nature and just strength of our respective claims, will permit us, while a desire to preserve harmony, and a disposition to yield liberally to mutual convenience so strongly incite us, to come together and unite on a line by agreement.

It appears to be your lordship's opinion, that the line of the St. John, from the point where the north line from the St. Croix strikes that river, up to some one of its sources, evidently suits both parties, with an exception however, of that part of the Madawaska settlement, which is on the south side of the St. John, which you propose should be included within the British territory. That on a line by agreement the St. John for some distance upward from its intersection by the line running north from the St. Croix, would be a very convenient boundary for the two parties, is readily admitted; but it is a very important question how far up, and to which of the sources of this river this line should extend. Above Madawaska, the course of this river turns to the south, and stretches away towards the sources of the Penobscot, leaving far to the north the line of communication between New Brunswick and Canada. That line departs from the St. John altogether near Madawaska, and keeping principally upon the left or north bank of the Madawaska, and proceeding by way of the Temiscouata Lake, reaches the St. Lawrence at the mouth of the river DuLoup.

There are, then, two important subjects for consideration :

First. Whether the United States can agree to cede, relinquish, or cease to claim any part of the territory west of the north line from the St. Croix and south of the St. John. And I think it but candid to say at once, that we see insurmountable objections to admitting the line to come south of the river. Your lordship's observations upon the propriety of preserving the unity of the Madawaska settlement, are in a great measure just, and altogether founded, I doubt not, in entirely good motives. They savor of humanity and a kind regard to the interests and feelings of individuals. But the difficulties seem insuperable. The river, as your lordship remarks, seems a natural boundary, and in this part of it, to run in a convenient direction. It is a line always clear and indisputable. If we depart from it, where shall we find another boundary, equally natural, equally clear, and conforming to the same general course? A departure from the line of the river, moreover, would open new questions about equivalents, which it would probably be found impracticable to settle. If your lordship was at liberty, as I understand you not to be, to cede the whole or a part of the territory, commonly called the strip, lying east of the north line, and west of the St. John, considerations might be found in such a cession, possibly, for some new demarcation west of the north line and south of the river. But in the present position of things I cannot hold out the expectation to your lordship, that any thing south of the river can be yielded.

And, perhaps, the inconveniences to the settlers on the southern bank,

of making the river the boundary, are less considerable than your lordship supposes. These settlers are scattered along a considerable extent, very likely soon to connect themselves with whomsoever may come to live near them; and though of different origin, and some difference of religion, not likely on the whole, to be greatly dissimilar from other borderers, occupying the neighboring territory, their rights of property would, of course, be all preserved, both of inheritance and alienation, and if some of them should choose to retain the political and social relations under which they now are, their removal for that purpose, to the north bank, drawing after it no loss of property or means of subsistence, would not be a great hardship. Your lordship suggests the inconvenience of dividing a municipality by a line of national boundary; and certainly there is force in the observation; but if, departing from the river, we were to establish at the south of it an artificial line upon the land, there might be points upon such line, at which people would live in numbers, on both sides; and a mere mathematical line might thus divide villages, while it divided nations. The experience of the world, and our own experience, show the propriety of making rivers boundaries, for the same reason that, in other cases to which they are applicable, mountain ranges, or ridges of highlands, are adopted for the same purpose; these last being, perhaps, still more convenient lines of division than rivers, being equally clear and prominent objects, and the population of neighboring countries, bordering on a mountain line of separation, being usually thin and inconsiderable on either side.

Rivers and inland waters constitute the boundary between the United States and the Territory of Her Majesty for some thousands of miles westward from the place where the 45th degree of north latitude intersects the St. Lawrence; and along this line occasional irregularities and outbreaks have taken place, always by the agency and instigation of agitators and lawless men, friends of neither country; yet it is clear that no better demarcation of limits could be made. And at the north part, along the space through which the St. Croix constitutes the line of separation, controversies and conflicts are not heard of; but similarity of language, character, and pursuits, and mutual respect for the rights of each other, preserve the general peace.

Upon the whole, my lord, feeling that there may be inconvenience, and perhaps a small degree of hardship, I yet cannot admit that there is any cruelty in separating the Madawaska settlers south of the St. John, so far as political relations are concerned, from their neighbors on the north of that river.

In the present state of society, and of peace which exists between the two countries, the severance of political relations need not to disturb social and family intercourse; while high considerations, affecting both the present and the future, seem to me to require, that, following natural indications, we adhere to the St. John, in this part of its course, as the line of division.

The next question is, how far upward this boundary ought to be observed, and along which of its branches. This question would be easily settled if what may be called the main branch of the river, in this part of

it, differing from the general character of the rivers in this region of the country, did not make a sudden turn. But, if we consider the main branch of the St. John, that which has been usually so denominated, your lordship observes that, near the mouth of the Madawaska, it turns almost at right angles, and pushes its source towards those of the Penobscot. Contiguity and compactness of territory can hardly be preserved by following a stream which makes not occasional windings, but at once so great a deflection from its previous course. The Madawaska is one of its branches or principal sources, and, as the map shows, is very much a continuance of the line of the principal river from the Great Falls upward. The natural course would, therefore, seem to be, to continue along this branch.

We understand, and indeed collect from your lordship's note, that with whatever opinion of her right to the disputed territory, England, in asserting it, has principally in view to maintain, on her own soil, her accustomed line of communication between Canada and New Brunswick. We acknowledge the general justice and propriety of this object, and agree at once, that with suitable equivalents, a conventional line ought to be such as to secure it to England. The question, therefore, simply is, what line will secure it?

The common communication between the provinces follows the course of the St. John from the Great Falls to the mouth of the Madawaska, going along with it to the Temiscouata Lake, and so across the highlands to streams running into the St. Lawrence. And this line of communication we are willing to agree shall hereafter be within acknowledged British territory, upon such considerations and conditions as may be assented to. The Madawaska and the forementioned lakes might conveniently constitute the boundary, but I believe it is true that, in some parts of the distance, above the mouth of the Madawaska, it has been found convenient to establish the course of communication on the south bank of that river. This consideration may be important enough to justify a departure from what would otherwise be desirable, and the running of the line at some distance south of the Madawaska, observing natural monuments where it may be practicable, and thus leaving the whole valley of the Madawaska on the British side.

The U. States, therefore, upon the adjustment of proper equivalents, would not object to a line of boundary which should begin at the middle of the main channel of the river St. John, where that river is intersected by a due north line, extended from the source of the St. Croix, thence proceeding westerly along the said main channel to a point three miles westerly of the mouth of the Madawaska, thence by a straight line to the outlet of Long Lake, thence westerly by a direct line to the point where the river St. Francis empties itself into the lake called Pohenagamook, thence continuing in the same direct line to the highlands which divide the waters falling into the river DuLoup from those which fall into the St. Francis. Having thus arrived at the highlands, I shall be ready to confer on the correct manner of following them to the north-westernmost head of Connecticut river.

Such a line as has been now described would secure to England a free



intercourse between Canada and New Brunswick; and with the navigation of the St. John yielded to the United States, would appear to meet the wants of all parties. Your lordship's proposition in regard to the navigation is viewed as just, and as constituting, so far as it may go, a natural equivalent. Probably the use of the river for the transportation of the products of the forest grown on the American side of the line, would be equally advantageous to both parties, and therefore, in granting it, no sacrifice of British interest would be incurred. A conviction of this, together with their confidence in the validity of their own claim, is very likely to lead the two States immediately concerned to consider their relinquishment of the lands north of the line much in the light of a mere cession. It need not be denied that, to secure this privilege, and to have a right to enjoy it, free from tax, toll, or other liability or inability, is an object of considerable importance to the people of Maine.

Your lordship intimates that, as a part of the general arrangement of boundaries, England would be willing to surrender to the United States Rouse's Point, and all the territory heretofore supposed to be within the boundaries of New Hampshire, Vermont, and New York, but which a correct ascertainment of the forty-sixth parallel of north latitude, shows to be included within the British line. This concession is, no doubt, of some value. If made, its benefits would enure partly to these three states, and partly to the United States; and none of it to the particular interests of Maine and Massachusetts.

If regarded, therefore, as a part of the equivalent for the manner of adjusting the northeastern boundary, these two last mentioned states would, perhaps, expect that the value, if it could be ascertained, should be paid to them. On this point further consideration may be necessary.

If in other respects we should be able to agree on a boundary, the points which you refer to, connected with the ascertainment of the head of the Connecticut, will be attended to, and Capt. Talcott, who made the exploration in that quarter, will be ready to communicate the result of his observations.

I have the honor to be, with distinguished consideration, your obedient servant,

DANIEL WEBSTER.

LORD ASHBURTON, &c. &c.

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*Lord Ashburton to Mr. Webster.*

WASHINGTON, July 11, 1842.

Sir: I lose no time in acknowledging the receipt of the note you did me the honor of addressing me on the 8th instant, and I beg, in the first place, to say, that I am duly sensible of the assurance you give me that the President has been pleased to appreciate the motives which induced my present mission, and much flattered by your recognition of the candor and frankness which have hitherto marked our intercourse.

I had hoped that we had escaped by mutual consent from a return to the endless and fruitless argument on the general question of the rights of our respective governments in the matter of the northeastern boundary.

It seemed to me to have been decided by so many high and competent authorities, that the precise geographical point so long looked for was not to be found, that it necessarily followed that any hope of settlement must rest upon an amicable compromise.

The arrival here of the commissioners from Maine and Massachusetts, and the admitted disposition of the two governments, have given the public a very general expectation that this compromise might at last be effected; and I hope you will excuse my expressing my regret that the note now before me, and the paper from the gentlemen from Maine, addressed to you, which accompanied it, should have contained so much of the renewal of the old controversy, and should not have been confined to the simple question whether we could, or could not agree to terms of settlement. If the observations contained in my note of the 13th ultimo have given rise to these consequences, I much regret it, and I would now pass over all these more than useless discussions, and proceed at once to notice the proposal you make, if I were not apprehensive that my so doing might be construed into some want of respect for the parties from whom these observations have proceeded.

I will, however, endeavor to bring within a narrow compass what I have to say on the subject, and the more so, because with all deference to you, sir, I may add, that there is little in these arguments that is new, or that has not been often advanced and refuted during the many past years of controversy.

I should except from this want of novelty, the position, to me entirely new, advanced by the commissioners from Maine, that the northwest angle of Nova Scotia, which is, as you express it, "the thing to be sought for and found," was at the head of the Madawaska river, which river it is maintained by a long argument supported by authorities and maps, was always considered as the real St. John, and this is stated to justify the opinion expressed by the old Congress, in 1799, that this northwest angle was at the source of the St. John.

Giving all possible consideration to this apparently new discovery, I cannot say that it appears well founded. Looking at Mitchell's map, the use of which, by the negotiators of the peace of 1783, has always been so much relied upon on the part of America, there is nothing more clearly marked than the great distinct channel of the upper St. John, and it seems hardly possible that the negotiators or the Congress should have made the supposed mistake.

But supposing this hypothesis were well founded, the Temiscouata lake is then to be now this long lost angle of Nova Scotia. What becomes, then, of the point so long contended for by Maine, between the Metis and one of the tributaries of the Restigouche? These points must be about fifty miles apart. Both cannot be true, and if it be maintained, as I rather collect it to be, from the paper of the Maine commissioners, that the point at the Metis is the true boundary, as being the point stricken by the north line, though the other be the true northwest angle of Nova Scotia, there is at least an end of the whole argument, resting upon this northwest angle being, as stated by you, "the thing to be sought for and found."

If this new discovery leads us to no other inference, we can hardly fail to derive from it the conviction, that all the ingenuity applied to unravel this mystery leaves us equally in the dark; and that it is not without reason that it has been decided by so many persons, after careful examination, that this boundary is not susceptible of settlement according to the precise words of the treaty.

This decision has been come to by Mr. Madison in 1802, by Mr. Jefferson in 1803, by Judge Sullivan, about the same time, and by the arbiter in 1831, and it has been acted on by nearly every Secretary of State of the U. States during the controversy from that time to this; for although in a case in dispute each party during the dispute endeavors to hold his own, I am not aware that any Secretary of State, or any President of the United States, has ever treated this subject otherwise than as one attended by that degree of uncertainty, that it could only be solved by an arbiter, or by a compromise. I would appeal to your candor, Sir, to say whether at this time, and under these circumstances, it is fair to speak of this disputed territory as belonging indisputably to one party, and to be yielded by way of concession, and for equivalents to the other. Any convention I may sign must be for a division of that which is in doubt or dispute; with any arrangement between the State of Maine and the General Government, I have nothing to do; and if, which God forbid, our endeavors at an amicable compromise should at last fail, I must hold that Great Britain retains her right, at least equal to the United States, to every part of the territory in dispute, until by a renewed reference, or by the skill of some more fortunate negotiator, this difference may be brought to a close.

I have now only to add a few observations upon the arguments contained in your own note.

Some stress is laid upon the fact, that the joint commissioners of the two Governments in 1817, directed the surveyors to run the north line from the St. Croix until it met water running into the St. Lawrence. The lines to be run were to ascertain the geographical facts of the case. No proceeding could be more proper. The claims of the two parties varied, and it was natural that, in the first instance, a line should be run north to the extent claimed by either party; where that line would reach, or what highlands or streams it might strike, was unknown; so much so that Mr. Gallatin, in his letter from Ghent, mentioned in my note of the 13th ult., expressed his doubts on this subject. His prediction turned out to be true. The point where the line strikes the Metis, was a point not fulfilling the words of the treaty. It did not divide the waters as desired, unless the Bay of Chaleur and the Gulf of St. Lawrence are considered to answer the description of the Atlantic Ocean. Mr. Gallatin was sensible of this, and intimates that if this fact created doubt, the lands about the Restigouche might be given up; but he forgets that in giving up this territory he gives up his argument; for he maintains in opposition to the British line of boundary, that it does not *continuously and in all its parts* divide the waters as required by the treaty. The American line was in this equally deficient, and it is useless, therefore, now to consider whether it would have been preferable to

the British line, if it had divided the waters of the St. Lawrence from those of the St. John.

To make even a plausible case for the American line, both the St. John and the Restigouche must be held to be rivers emptying into the Atlantic Ocean. The royal arbiter says it would be *hazardous* so to class them. I believe that whatever argument might be made in the case of the St. John, connected with the distinctions with which it was mentioned in the treaty, to consider the Restigouche as flowing into the Atlantic Ocean, would be more than hazardous — it would be most absurd. At all events, I would submit to you that no inference could be drawn from the commissioners in 1817 having ordered a north line to be run; the same commissioners, after drawing the line, having disagreed as to any conclusion from it.

I am rather surprised that an inspection of the map should lead us to such different views of the course of the rivers and of the coast, as stated by you. I find that the upper St. John and the Restigouche, so far from cutting at right angles the parallel lines of the coast and the St. Lawrence, as you say, run in their main course nearly parallel with them. I am not aware that the last is important, although it seems connected with your argument.

My inspection of these maps, and my examination of the documents, lead me to a very strong conviction, that the highlands contemplated by the negotiators of the treaty, were the only highlands then known to them at the head of the Penobscot, Kennebec, and the rivers west of the St. Croix; and that they did not precisely know how the north line from the St. Croix would strike them; and if it were not my wish to shorten this discussion, I believe a very good argument might be drawn from the words of the treaty in proof of this. In the negotiations with Mr. Livingston, and afterwards with Mr. McLane, this view seemed to prevail, and, as you are aware, there were proposals to search for these highlands to the west, where alone I believe they will be found to answer *perfectly* the description of the treaty. If this question should unfortunately go to a further reference, I should by no means despair of finding some confirmation of this view of the case.

I shall now, sir, close what I have to say on the controversial part of this question. I should not have treated of it at all, but from respect to the gentlemen from Maine, whose arguments you conveyed to me, and I shall certainly not renew it unless called upon by you to do so. Our immediate business is with the compromise of what is not otherwise to be settled, and argument and controversy, far from assisting that end, have ever a tendency to irritate and excite.

Referring, then, to our more immediate subject of a line by agreement, I deeply regret, on reading your observations and proposals, that we are yet so far asunder. I always thought this part of our duty better performed by conference than by correspondence, unless, indeed, we had the misfortune not to be able ultimately to agree, in which case it would certainly be necessary that our two countries should see clearly on paper how nearly we had approached to each other; and on whom the blame at last rested of leaving unsettled a question involving such serious con-



sequences. I would still recommend this course of personal discussion and conference; but, in the mean time, I proceed to consider the observations and proposals contained in your note.

It is sufficiently explained in my plan for a settlement, why I was anxious not to divide in two parts, by any new line of boundary, the Madawaska settlements; and I am sorry to say that the information I have since received, both as to local circumstances and the anxiety of the people themselves, tends strongly to confirm my impressions. At the same time, you will have seen that I was sensible that some good reason should be assigned why we should not be satisfied with what you justly term the otherwise perfect boundary of the St. John. In your reply you recognize the difficulties of the case, and do justice to our motives, but you state distinctly, on the part of your Government, that you can consent to no line which should bring us over the St. John, without some equivalent of territory, to be found out of the limits of that part which is in dispute; and you refer more particularly to a certain narrow strip lying between the north line and the river. This strip I have no power to give up; and I beg to add, that the refusal of my Government is founded simply on their objection to dispose arbitrarily of the persons and property of Her Majesty's subjects, living by preference under her authority — an objection which, you are aware, applies with peculiar force to the inhabitants of this part of New Brunswick.

I had hoped that the other equivalents which I had offered, combined with the sense entertained by the Government of the United States of the pressing importance of the case on the ground of humanity, would have been sufficient for the purpose I so anxiously desired; but perceiving, from your note, as well as from personal conversation, that concession upon this point is insisted upon, I might be disposed to consider whether my anxious desire to arrive at a friendly settlement would not justify me in yielding, however reluctantly, if the latter part of your proposal did not, if finally persevered in, forbid all hope of any settlement whatever.

The boundary you propose, supposing the British territory not to come over the St. John, is to run from the north side of that river, three miles above its junction with the Madawaska, over an arbitrary line, which my map does not exactly permit me to follow, until it reaches somewhere, the St. Francis. I need not examine this line in its precise details, because I am obliged frankly to state that it is inadmissible. I think I might, sir, appeal to your candid judgment to say whether this is a proposition of conciliation; whether, after all the antecedent discussions on this subject, it could be reasonably expected that, whatever might be the anxiety of my Government for a friendly settlement, I could be found with power to accede to such terms. I need not observe to you that this would give to Great Britain less than the award of the arbiter, while at the same time she would be called upon to give up what that arbiter awarded to her; and if I do not mistake you, the floatage of the lumber of Maine down the St. John, is also expected to be surrendered.

I must beg to say that I am quite at a loss to account for such a proposal. Your own principle of maintaining the great river as the best boundary, is abandoned; an arbitrary line is drawn which nobody ever

suspected before, and I can only suppose this course to be dictated by that general assumption that, notwithstanding all former admissions and decisions to the contrary, this territory, said to be in dispute, in truth belongs to one party, to be doled out as a favor to the other; an assumption that cannot for a moment be admitted, and which you, sir, with the records of your office before you, will hardly maintain.

The position in which this negotiation now stands, seems to prove what I have before ventured to advance, that it would have a better chance of success by conference than by correspondence; at all events, that we should soon arrive at ascertaining what we can or cannot do. Slow, unnecessarily slow, our progress has hitherto been, and the public seems somehow or other to have become informed that there are differences. I hope when we come to discuss them, that they will prove less serious than they are supposed to be; but it is very desirable that doubts and distrusters should be set at rest, and that public credit and the transactions of commerce should suffer the least possible disturbance. For although, should this negotiation unfortunately fail, it will be our duty immediately to place it in some new course of further reference, it is not to be disguised that such a result must be productive of considerable public anxiety and disappointment.

What I have said in relation to the Madawaska settlements, will, I trust, sufficiently prove my disposition to approach such a discussion with the true spirit of conciliation, and I trust you will permit me to express a hope that it will be met with a corresponding feeling.

Before concluding I wish to add a few words respecting the line of the St. John to one of its sources, and the navigation for certain purposes of that river. It may be true that the district between the St. John and the highlands west of the St. Francis, may be of some extent, but your own surveyors will confirm to you that it is of very little value, either for cultivation or for timber. Is it reasonable, that in the division of an object in dispute, its intrinsic value should be wholly disregarded, and its extent alone considered?

I would further suggest for your consideration, whether supposing the division by the King of the Netherlands to be admitted to supply fairly the equity of the case between the parties, what is proposed to be added to Great Britain, namely, the strip on the 45th parallel of latitude, and the use of the navigation of the St. John be not an ample compensation for what we ask in return, namely, that barren strip above the upper St. John, which is wanted for no other purpose than as a boundary, for which purpose it is admitted on all sides to be most convenient.

The right to use the St. John for floating down the lumber of Maine on the same terms as the river is used by the Queen's subjects, is now treated as a matter of light importance. This is not uncommon when a concession of any kind is about to be yielded; but I beg to remind you that this was not formerly so considered. It has been repeatedly solicited and invariably refused, and no minister of Great Britain has before been permitted to connect this concession with settlement of the boundary. It is considered by my Government as a very important concession. I am sure that it must be considered by all persons in Maine connected

with the lumber trade as not only valuable, but indispensable, and I am compelled to add, that I am empowered to allow this privilege only in the event of a settlement of the boundary on satisfactory terms. It is said in the memorandum of the Maine commissioners that this conceded navigation will be as useful to the town of St. John as to the lumberers of Maine; but it will not escape you that, even if this be so, it is a concession necessary to give any value whatever to so bulky an article as lumber, which being not otherwise disposable, would bear any reasonable toll which the provincial authorities of New Brunswick might think it expedient to levy upon it. Further, it should not be forgotten, that the timber, once at the mouth of the St. John, will have the privilege of reaching the British as well as other markets, and lastly, that it is a very different thing to hold a privilege of this important description by right or by mere sufferance, to be granted or withheld at pleasure.

I have to apologize for entering into these details in treating of the great question with which we are occupied, but they seem called for by observations in the paper you send me.

I beg, sir, you will be assured of my unfeigned and distinguished consideration.

ASHBURTON.

HON. DANIEL WEBSTER, &c. &c.

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*Lord Ashburton to Mr. Webster.*

WASHINGTON, July 16, 1842.

Sir: There is a further question of disputed boundary between Great Britain and the United States, called the northwest boundary, about which we have had some conferences; and I now proceed to state the terms which I am ready to agree to for the settlement of this difference.

As the principal object in dispute is to be given up by Great Britain, I trust, sir, that you will here again recognize the spirit of friendly conciliation which has guided my Government in disposing of these questions.

I have already sufficiently discussed with you the boundaries between Her Majesty's provinces and the United States, from the monument at the head of the river St. Croix, to the monument on the river St. Lawrence, near the village of St. Regis.

The commissioners under the sixth article of the treaty of Ghent, succeeded in continuing this boundary from St. Regis, through the St. Lawrence and the great northern lakes, up to a point in the channel between Lake Huron and Lake Superior.

A further continuation of this boundary, from this point through Lake Superior to the Lake of the Woods, was confided to the same commission, under the seventh article of the treaty of Ghent, but they were unfortunately unable to agree, and have consequently left this portion of the boundary undetermined. Its final settlement has been much desired by both governments, and urgently pressed by communications from Mr. Secretary Forsyth to Mr. Fox, in 1839 and 1840.

What I have now to propose, cannot, I feel assured, be otherwise than satisfactory for this purpose.

The commissioners, who failed in their endeavors to make this settlement, differed on two points :

First, as to the appropriation of an island called St. George's Island, lying in the water communication between Lake Huron and Lake Superior. And

Secondly, as to the boundary through the water communications from Lake Superior to the Lake of the Woods.

The first point I am ready to give up to you, and you are no doubt aware that it is the only object of any real value in this controversy. The island of St. George's is reputed to contain 25,920 acres of very fertile land ; but the other things connected with these boundaries being satisfactorily arranged, a line shall be drawn so as to throw this island within the limits of the United States.

In considering the second point, it really appears of little importance to either party how the line shall be determined through the wild country between Lake Superior and the Lake of the Woods, but it is important that some line should be fixed and known.

The American commissioner asked for the line from Lake Superior up the river Kamarastiquid to the lake called Dog lake, which he supposed to be the same as that called Long lake in the treaties, thence through Sturgeon lake to the Lac la Pluie, to that point where the two lines assumed by the commissioners again meet.

The British commissioners, on the other hand, contended for a line from the southwestern extremity, at a point called Le Fond du Lac to the middle of the mouth of the estuary or lake of St. Louis river ; thence up that river, through Vermilion River to Lac la Pluie.

Attempts were made to compromise these differences, but they failed ; apparently more from neither party being willing to give up the island of St. George, than from much importance being attached to any other part of the case. Upon the line from Lake Superior to the Lake of the Woods both commissioners agreed to abandon their respective claims, and to adopt a middle course, for which the American commissioner admitted that there was some ground of preference.

This was from Pigeon river, a point between Kamarastiquid and the Fond du Lac ; and although there were differences as to the precise point near the mouth of Pigeon river, where the line should begin, neither party seem to have attached much importance to this part of the subject.

I would propose that the line be taken from a point about six miles south of Pigeon river, where the Grand Portage commences on the lake, and continued along the line of the said Portage, alternately by land and water, to Lac la Pluie, the existing route by land and water remaining common to both parties. This line has the advantage of being known and attended with no doubt or uncertainty in running it.

In making the important concession of this boundary, of the Isle of St. George, I must attach a condition to it of accommodation, which experience has proved to be necessary in the navigation of the great waters which bound the two countries, an accommodation which can, I apprehend, be no possible inconvenience to either.



This was asked by the British commissioner, in the course of the attempts at compromise above alluded to, but nothing was done because he was not then prepared, as I am now, to yield the property and sovereignty of St. George's Island.

The first of these two cases is at the head of lake St. Clair, where the river of that name empties into it from lake Huron.

It is represented that the channel bordering the United States coast in this part, is not only the best for navigation, but with some winds, is the only serviceable passage.

I do not know that under such circumstances the passage of a British vessel would be refused; but on a final settlement of boundaries, it is desirable to stipulate for what the commissioners would probably have settled, had the facts been known to them.

The other case, of nearly the same description, occurs on the St. Lawrence, some miles above the boundary of St. Regis.

In distributing the islands of the river by the commissioners, Barnhart's Island and the Long Sault islands, were assigned to America. This part of the river has very formidable rapids, and the only safe passage is on the southern or American side, between those islands and the main land. We want a clause in our present treaty to say that for a short distance, namely, from the upper end of the upper Long Sault island to the lower end of Barnhart's island, the several channels of the river shall be used in common by the boatmen of the two countries.

I am not aware that these very reasonable demands are likely to meet with any objection, especially when the United States will have surrendered to them all that is essential in the boundary I have now to propose to you.

I beg you will be assured, Sir, of my unfeigned and distinguished consideration.

ASHBURTON.

HON. DANIEL WEBSTER, &c. &c.

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*Mr. Webster to Lord Ashburton.*

DEPARTMENT OF STATE, }  
Washington, July 27, 1842. }

My Lord: I have now to propose to your lordship a line of division embracing the disputed portions of the boundary between the United States and the British provinces of New Brunswick and the Canadas, with its considerations and equivalents, such as conform I believe in substance, to the result of the many conferences and discussions which have taken place between us.

The acknowledged territory of the United States and England, join upon each other from the Atlantic Ocean to the eastern foot of the Rocky Mountains, a distance of more than three thousand miles. From the ocean to the source of the St. Croix, the line of division has been ascertained and fixed by agreement; from the source of the St. Croix to a

point near St. Regis, on the river St. Lawrence, it may be considered as unsettled, or controverted; from this last mentioned point along the St. Lawrence and through the lakes, it is settled, until it reaches the water communication between Lake Huron and Lake Superior. At this point the commissioners under the 7th article of the treaty of Ghent, found a subject of disagreement which they could not overcome, in deciding upon which branch, or channel, the line should proceed till it should reach a point in the middle of St. Mary's river, about one mile above St. George's or Sugar Island.

From the middle of the water communication between the two lakes at the point last mentioned, the commissioners extended the line through the remaining part of that water communication, and across Lake Superior to a point north of Isle Royale; but they could not agree in what direction the line should run from the last mentioned point, nor where it should leave Lake Superior, nor how it should be extended to the Rainy Lake, or Lac la Pluie. From this last mentioned lake they agreed on the line to the northwesternmost line of the Lake of the Woods, which they found to be in latitude 47 23 55. The line extends according to existing treaties, due south from this point to the 49th parallel of north latitude, and by that parallel to the Rocky Mountains.

Not being able to agree upon the whole line, the commissioners, under the 7th article, did not make any joint report to their respective Governments so far as they agreed on any part of the line, that part has been considered settled; but it may be well to give validity to those portions of the line by a treaty.

To complete the boundary line, therefore, and to remove all doubts and disputes, it is necessary for the two Governments to come to an agreement on these points.

1st. What shall be the line on the northeastern and western limits of the United States from the St. Croix to the St. Lawrence? This is by far the most important and difficult of the subjects, and involves the principal questions of equivalents and compensations.

2d. What shall be the course of the boundary from the point where the commissioners, under the 6th article of the treaty of Ghent, terminated their labors, to wit, a point in the Neebish channel, in the Muddy lake in the water communication between lake Huron and lake Superior, to a point in the middle of St. Mary's river, one mile above Sugar Island? This question is important, as it involves the ownership of that island.

3d. What shall be the line from the point north of Isle Royal, in Lake Superior, to which the commissioners of the two governments arrived, by agreement, to the Rainy lake; and also to confirm those parts of the line to which the said commissioners agreed.

Besides agreeing upon the line of division through these controverted portions of the boundary, you have suggested also, as the proposed settlement provides, upon the ground of compromise and equivalent, that boats belonging to her Majesty's subjects may pass the falls of the Long Sault islands; and that the passage between the Islands at or near the junction of the river St. Clair, with the lake of that name, should be

severally free and open to the vessels of both countries. There appears no reasonable objection to what is requested in these particulars; and on the part of the United States it is desirable that their vessels in proceeding from Lake Erie into the Detroit river, should have the privilege of passing between Bois Blanc, an island belonging to England, and the Canadian shore, the deeper and better channel being on that side.

The line, then, now proposed to be agreed to, may thus be described: Beginning at the monument at the source of the river St. Croix, as designated and agreed to by the commissioners under the 5th article of the treaty of 1794, between the Governments of the United States and Great Britain; thence, north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence up the middle of the channel of the said river St. Francis, and of the lake through which it flows, to the outlet of the lake Pohe-nagamook; thence, southwesterly in a straight line, to a point of the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river St. Lawrence from those which fall into the St. John, then the said point shall be made to recede down the said river to a point seven miles in a straight line, from the said summit or crest, thence, in a straight line, in a course about south, eight degrees west, to the point where the parallel of latitude of 45 25 north intersects the southwest branch of the St. John; thence southerly by the said branch, to the source thereof in the highlands at the Metjarmette portage; thence down along the said highlands which divide the waters which empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the head of Hall's stream; thence down the middle of said stream till the line thus run intersects the old line of boundary, surveyed and marked by Valentine & Collins, previous to the year 1774, as the 45th degree of latitude, and which has been known and understood to be the line of actual division between the State of New York and Vermont, on one side, and the British province of Canada on the other; and from said point of intersection, west, along the said dividing line, as heretofore known and understood, to the Iroquois or St. Lawrence river; and from the place where the joint commissioners terminated their labors under the 6th article of the treaty of Ghent, to wit, at a point in the Neebish channel, near Muddy lake, the line shall run into and along the ship channel between St. Joseph and St. Tammany islands, to the division of the channel at or near the head of St. Joseph's island, thence turning eastwardly and northwardly, around the lower end of St. George's or Sugar island, and following the middle of the channel which divides St. George's from St. Joseph's island, thence up the east Neebish channel, nearest to St. George's island, through the middle of lake George, thence west of Jonas

island into St. Mary's river, to a point in the middle of that river, about one mile above St. George's or Sugar island, so as to appropriate and assign the said island to the United States; thence, adopting the line traced on the maps by the commissioners, through the river St. Mary and lake Superior, to a point north of Isle Royal, in said lake, one hundred yards to the north and east of Isle Chapeau, which last mentioned island lies near the northeastern point of Isle Royale, where the line marked by the commissioners terminates; and from the last mentioned point, south-westerly through the middle of the sound near Isle Royale and the northwestern main land, to the mouth of Pigeon river, and up the said river to and through the North and South Fowl lakes, to the lakes at the height of land between lake Superior and the lake of the Woods; thence, along the water communication, to lake Saisaginaga, and through that lake; thence to and through Cypress lake, Lac du Bois Blanc, Lac la Croix, Little Vermilion lake, and lake Nawecan, and through the several smaller lakes, straits, or streams, connecting the lakes here mentioned to that point to Lac la Pluie or Rainy lake, at the Chaudiere Falls; from which the commissioners traced the line to the most northwestern point of the Lake of the Woods; thence along the said line to the said most northwestern point, being in latitude 49 deg. 23m. 55s. north, and in longitude 95 deg. 14m. 38s. west from the observatory at Greenwich, thence according to existing treaties, the line extends due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky Mountains. It being understood that all the water communications and all the usual portages along the line from lake Superior to the Lake of the Woods, and also Grand Portage from the shore of Lake Superior to the Pigeon river, as now actually used, shall be free and open to the use of the subjects and citizens of both countries.

It is desirable to follow the description and the exact line of the original treaty as far as practicable. There is reason to think that "Long lake," mentioned in the treaty of 1783, meant merely the estuary of the Pigeon river, as no lake called "Long lake" was immediately adjoining lake Superior, or any other water strictly conforming to the idea of a lake, is found in that quarter. This opinion is strengthened by the fact, that the words of the treaty would seem to imply that the water intended as "Long lake" was immediately adjoining lake Superior. In one respect an exact compliance with the words of the treaty is not practicable. There is no continuous water communication between lake Superior and the Lake of the Woods, as the Lake of the Woods is known to discharge its waters through the Red river of the north into Hudson's bay. The dividing height or ridge between the eastern sources of the tributaries of the Lake of the Woods and the western sources of Pigeon river, appears, by authentic maps, to be distant forty miles from the mouth of Pigeon river, on the shore of lake Superior.

It is not improbable, that in the imperfection of knowledge which then existed of those remote countries, and perhaps misled by Mitchell's map, the negotiators of the treaty of 1783 supposed the Lake of the Woods to discharge its waters into lake Superior. The broken and difficult nature



of the water communication from lake Superior to the Lake of the Woods renders numerous portages necessary, and it is right that these water communications and these portages should make a common highway, where necessary, for the use of the subjects and citizens of both Governments.

When the proposed line shall be properly described in the treaty, the grant by England of the right to use the waters of the river St. John for the purpose of transporting to the mouth of that river all the timber and agricultural products raised in Maine, on the waters of the St. John, or any of its tributaries, without subjection to any discriminating toll, duty, or disability, is to be inserted. Provision should also be made for quieting and confirming the titles of all persons having claims to lands on either side of the line, whether such titles be perfect or inchoate only, and to the same extent to which they would have been confirmed by their respective Governments, had no change taken place. What has been agreed to, also, in respect to the common use of certain passages in the rivers and lakes, as already stated, must be made matter of regular stipulation.

Your lordship is also informed, by the correspondence which formerly took place between the two Governments, that there is a fund arising from the sale of timber, concerning which fund an understanding was had some years ago. It will be expedient to provide by the treaty that this arrangement shall be carried into effect.

A proper article will be necessary to provide for the creation of a commission to run and mark some parts of the line between Maine and the British Provinces.

These several objects appear to me to embrace all respecting the boundary line and its equivalents, which the treaty needs to contain as matters of stipulation between the United States and England.

I have the honor to be, with high consideration, your lordship's most obedient servant,

DANIEL WEBSTER.

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*Lord Ashburton to Mr. Webster.*

WASHINGTON, July 29, 1842.

SIR: I have attentively considered the statements contained in the letter you did me the honor of addressing me the 27th of this month, of the terms agreed to for the settlement of boundaries between Her Majesty's Provinces and the United States, being the final result of the many conferences we have had on the subject. This settlement appears substantially correct in all its parts, and we may now proceed, without further delay, to draw up the treaty. Several of the articles for this purpose are already agreed, and our most convenient course will be to take and consider them singly. I would beg leave to recommend, that as we have excellent charts of the country through which the boundary, which failed of being settled by the commissioners under the seventh article of the Treaty of Ghent, is partially marked, that it would be advisable to

make good the delineation on those charts, which would spare to both parties the unnecessary expense of new commissioners, and a new survey. In this case the only commission required would be to run the line on the boundary of Maine.

The stipulations for the greater facility of the navigation of the river St. Lawrence, and of the two passages between the upper lakes, appear evidently desirable for general accommodation, and I cannot refuse the reciprocal claim made by you to render common the passage from Lake Erie into the Detroit river. This must be done by declaring the several passages in those parts free to both parties.

I should remark also, that the free use of the navigation of the Long Sault passage on the St. Lawrence, must be extended to below Barnhart's Island for the purpose of clearing those rapids.

I beg leave to repeat to you, sir, the assurance of my most distinguished consideration.

ASHBURTON.

HON. DANIEL WEBSTER, &c. &c.

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*Lord Ashburton to Mr. Webster.*

WASHINGTON, Aug. 9, 1842.

SIR : It appears desirable that some explanation between us should be recorded by correspondence respecting the 5th article of the treaty signed by us this day, for the settlement of the boundaries between Great Britain and the United States.

By that article of the treaty it is stipulated that certain payments shall be made by the Government of the United States to the States of Maine and Massachusetts. It has, of course, been understood that my negotiations have been with the Government of the United States, and the introduction of terms of agreement between the General Government and the States would have been irregular and inadmissible, if it had not been deemed expedient to bring the whole of these transactions within the purview of the treaty. There may not be wanting analogous cases to justify this proceeding, but it seems proper that I should have confirmed by you, that my Government incurs no responsibility for these engagements, of the precise nature and object of which I am uninformed, nor have I considered it necessary to make inquiry concerning them.

I beg, sir, to renew to you the assurances of my high consideration.

ASHBURTON.

*Hon. Daniel Webster, &c. &c.*

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*Mr. Webster to Lord Ashburton.*

DEPARTMENT OF STATE, }  
Washington, Aug. 9, 1842. }

MY LORD : I have the honor to acknowledge the receipt of your note of the 9th August, with respect to the object and intention of the 5th

article of the treaty. What you say in regard to that subject is quite correct. It purports to contain no stipulation on the part of Great Britain, nor is any responsibility supposed to be incurred by it, on the part of your Government.

I renew, my Lord, the assurance of my distinguished consideration.

DANIEL WEBSTER.

*Lord Ashburton, &c. &c.*

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*Mr. Webster to the Commissioners of Maine and Massachusetts.*

DEPARTMENT OF STATE, }  
Washington, July 12, 1842. }

GENTLEMEN: I place in your hands a note received yesterday from Lord Ashburton; it would have been transmitted sooner, but I was not able to read it myself until this morning.

I shall have the honor of inviting a conference with you at an early opportunity, being very desirous of making progress in the business in which we are engaged, and satisfied that the various parties in interest are as well prepared now to come to a decision as they are likely to be at any time hereafter.

I have the honor, &c.,

DANIEL WEBSTER.

*The Honorable Commissioners of Maine and Massachusetts.*

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*Mr. Webster to the Maine Commissioners.*

DEPARTMENT OF STATE, }  
Washington, July 15, 1842. }

GENTLEMEN: You have had an opportunity of reading Lord Ashburton's note to me of the 11th of July. Since that date, I have had full and frequent conferences with him respecting the eastern boundary, and believe I understand what is practicable to be done on that subject, so far as he is concerned. In these conferences, he made no positive or binding propositions, though perhaps it would be more desirable, under present circumstances, that such proposition should proceed from the side of the United States. I have reason to believe, however, that he would agree to a line of boundary between the United States and the British provinces of Canada and New Brunswick, such as is described in a paper accompanying this, (marked B,) and identified by my signature.

In establishing the line between the monument and the St. John, it is thought necessary to adhere to that run and marked by the surveyors of the two Governments, in 1817 and 1818. There is no doubt that the line recently run by Major Graham is more entirely accurate; but, being an *ex parte* line, there would be objections to agreeing to it without examination, and thus another survey would become necessary. Grants and settlements, also, have been made, in conformity with the former

line, and its errors are so inconsiderable, that it is not thought that their correction is a sufficient object to disturb these settlements. Similar considerations have had great weight in adjusting the line in other parts of it.

The territories in dispute between the two countries contain 12,029 square miles, equal to 7,697,280 acres.

By the line described in the accompanying paper, there will be assigned to the United States 7,015 square miles, equal to 4,489,600 acres; and to England 5,012, equal to 3,207,680 acres.

By the award of the King of the Netherlands there was assigned to the United States 7,908 square miles, 5,061,120 acres; to England, 4,119 square miles, 2,636,160 acres.

The territory proposed to be relinquished to England, south of the line of the King of the Netherlands, is, as you will see, the mountain range, from the upper part of the St. Francis river to the meeting of the two contested lines of boundary, at the Metjarmette Portage in the highlands, near the source of the St. John. This mountain tract contains 893 square miles, equal to 571,520 acres. It is supposed to be of no value for cultivation or settlement. On this point you will see, herewith, a letter from Captain Talcott, who has been occupied two summers in exploring the line of the highlands, and is intimately acquainted with the territory. The line leaves to the United States between the base of the hills and the left bank of the St. John, and lying along the river, a territory of 657,280 acres, embracing, without doubt, all the valuable land south of the St. Francis and west of the St. John. Of the general division of territory, it is believed, and it may be safely said, that while the portion remaining with the United States is, in quantity, seven twelfths, in value it is at least four fifths of the whole.

Nor is it supposed that the possession of the mountain region is of any importance, in connection with the defence of the country, or any military operations. It lies below all the accustomed practicable passages for troops into and out of Lower Canada; that is to say, the Chaudiere, Lake Champlain, Richelieu, and the St. Lawrence. If an army with its *material* could possibly pass into Canada, over these mountains, it would only find itself on the bank of the St. Lawrence below Quebec, and on the other hand, it is not conceivable that an invading enemy from Lower Canada would attempt a passage in this direction, leaving the Chaudiere on one hand and the route by Madawaska on the other.

If this line shall be agreed to, on the part of the United States, I suppose that the British Minister would, as an equivalent, stipulate, first, for the use of the river St. John, for the conveyance of the timber growing on any of its branches, to tidewater, free from all discriminating tolls, impositions, or disabilities of any kind, the timber enjoying all the privileges of British colonial timber. All opinions concur, that this privilege of navigation must greatly enhance the value of the territory and the timber growing thereon, and prove exceedingly useful to the people of Maine. Second, that Rouse's Point, in Lake Champlain, and the lands heretofore supposed to be within the limits of New Hampshire, Vermont, and New York, but which a correct ascertainment of the 45th parallel of latitude shows to be in Canada, should be surrendered to the United States.



It is probable also, that the disputed line of boundary in Lake Superior might be so adjusted as to leave a disputed island within the United States.

These cessions on the part of England would enure partly to the benefit of the States of New Hampshire, Vermont, and New York, but principally to the United States. The consideration on the part of England, for making them, would be the manner agreed upon for adjusting the eastern boundary. The price of the cession, therefore, whatever it might be, would in fairness belong to the two States interested in the manner of that adjustment.

Under the influence of these considerations, I am authorized to say, that if the commissioners of the two States assent to the line as described in the accompanying paper, the United States will undertake to pay to these States the sum of two hundred and fifty thousand dollars, to be divided between them in equal moieties; and, also, to undertake for the settlement and payment of the expenses incurred by those States for the maintenance of the civil posse; and, also, for a survey which it was found necessary to make.

The line suggested, with the compensations and equivalents which have been stated, is now submitted for your consideration. That it is all which might have been hoped for, looking to the strength of the American claim, can hardly be said. But, as the settlement of a controversy of such duration is a matter of high importance, as equivalents of undoubted value are offered, as longer postponement and delay would lead to further inconvenience, and to the incurring of further expenses, and as no better occasion, or perhaps any other occasion, for settling the boundary by agreement, and on the principle of equivalents, is ever likely to present itself, the Government of the United States hope that the commissioners of the two States will find it to be consistent with their duty to assent to the line proposed, and to the terms and conditions attending the proposition.

The President has felt the deepest anxiety for an amicable settlement of the question, in a manner honorable to the country, and such as should preserve the rights and interests of the states concerned. From the moment of the announcement of Lord Ashburton's mission, he has sedulously endeavored to pursue a course the most respectful toward the states, and the most useful to their interests, as well as the most becoming to the character and dignity of the Government. He will be happy, if the result shall be such as will satisfy Maine and Massachusetts, as well as the rest of the country. With these sentiments on the part of the President, and with the conviction that no more advantageous arrangement can be made, the subject is now referred to the grave deliberation of the commissioners.

I have the honor to be, with great respect,

Your obedient servant,

DANIEL WEBSTER.

*To the Hon. the Commissioners of Maine.\**

\* Same, *mutatis mutandis*, to the Commissioners of Massachusetts.

B. Beginning at the monument at the source of the river St. Croix, as designated by the commissioners under the fifth article of the treaty of 1794, between the Government of the United States and Great Britain; thence north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence up the middle of the channel of said river, and of the lakes through which it flows, to the outlet of the lake Pohenagamook; thence southwesterly in a straight line to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the highlands that divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, then the said point shall be made to recede down the said river to a point seven miles in a straight line from the said dividing highlands; thence in a straight line, in a course about south, eight degrees west, to the point where the parallel of latitude of 46° 25' intersects the southwest branch of the St. John; thence southerly, by the said branch, to the source thereof, in the highlands at the Metjarmette Portage; thence down along the said highlands around the head waters of Indian Stream, and so on to the highlands which divide that stream on the one hand, and Hall's stream on the other; thence down the middle of said stream till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins, previous to the year 1774, as the 45th deg. of latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British Province of Canada on the other, as heretofore known and understood, to the Iroquois or St. Lawrence river.

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*Captain Talcott to Mr. Webster.*

WASHINGTON, July 14, 1842.

SIR: The territory within the lines mentioned by you contains eight hundred and ninety-three square miles, equal to five hundred and seventy-one thousand one hundred and twenty acres. It is a long and narrow tract upon the mountains or highlands, the distance from lake Pohenagamook to the Metjarmette Portage being one hundred and ten miles. The territory is barren, and without timber of value, and I should estimate that nineteen parts out of twenty are unfit for cultivation. Along eighty miles of this territory, the highlands throw up into irregular eminences of different heights, and, though observing a general northeast and southwest direction, are not brought well into line. Some of these elevations are over three thousand feet above the sea.

The formation is primitive siliceous rock, with slate resting upon it, around the basis. Between the eminences are morasses and swamps, throughout which beds of moss, of luxuriant growth, rest on and cover the rocks and earth beneath. The growth is such as is usual in mountain regions on the continent, in high latitudes. On some of the ridges and eminences birch and maple are found; on others, spruce and fir; and in the swamps spruce intermixed with cedar; but the wood every where is insignificant, and of stunted growth. It will readily be seen, therefore, that for cultivation, or as capable of furnishing the means of human subsistence, the lands are of no value.

I am, sir, your obedient servant,

A. TALCOTT, Commissioner.

*Hon. Daniel Webster, Secretary of State.*

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*Commissioners of Massachusetts to Mr. Webster.*

WASHINGTON, July 20, 1842.

SIR: We have the honor to acknowledge the receipt of your communication of 15th July, addressed to us as commissioners of Massachusetts, authorized to act in her behalf in the settlement of the controversy concerning the northeastern boundary of the United States. The proposal therein presented for our assent, in behalf of the Government we represent, to the establishment of the conventional boundary indicated in your communication, and upon the terms and equivalents therein set forth, has received our careful consideration, and without further delay we submit the following reply:

After the many interviews which we have had the pleasure to hold with you during the progress of the negotiation which is drawing to its close, it is unnecessary for us to express our full concurrence in the sentiment, that the line suggested, with its compensation and equivalents, is not all which might have been hoped for, in view of the strength of the American claim to the territory in dispute. But inasmuch as in the progress of a negotiation, conducted with great deliberation, every proposition has been put forth, which any party, in whatever manner, and to whatever extent it may be interested, has been disposed to submit for consideration and adoption, and the ultimate point has been reached, at which negotiation must result in a compact, or the interruption of further effort for its accomplishment, we proceed to discharge the remaining duty which is devolved upon us.

We are fully aware of the importance of the act that we are called upon to perform. It is not less than the relinquishment, by the Commonwealth of Massachusetts, of territory which she always claimed to be a part of her possessions, and to which we believe she has a clear and indisputable title. So strong is the conviction of the right of Massachusetts and Maine to the undisturbed enjoyment of the land constituting what is called the disputed territory, by force of the treaty which terminated the war of the Revolution, that she would prefer an appeal to the

same arbitrament by which the acknowledgment of her right was originally obtained, to a surrender, without just equivalents, of any portion of their territory. Still, she is aware that the Government and people of the United States desire to preserve peace and friendly relations with other nations, so long as they can be maintained with honor, by concessions which, not a just policy alone, but that which is liberal and magnanimous, may require. She partakes of the common spirit, and its influence pervades all her actions throughout this negotiation.

There are other considerations of weight in the decision of this question. Though the title of Massachusetts to the lands in dispute is believed to be perfect, it is not to be overlooked that they have been the subjects of controversy through many years; that attempts by negotiation and through the intervention of an umpire, have been unsuccessfully made, to extinguish a conflicting claim; and that the nations which are now seeking by renewed negotiation to put a period to the protracted strife, while desiring peace, have been brought to the verge of destructive war, through dissensions incident to a disputed boundary. Should this negotiation fail of a successful issue, the alternative offered is a renewed submission of our rights to the determination of others. Past experience enforces the belief that other years must elapse, and great inconveniences be felt, before a decision can be obtained; and the same monitor suggests the obvious truth, that however the title of Massachusetts and Maine, and of the United States, may be firmly established in justice, it is not equally certain that it would be confirmed by the tribunal from whose decision, whatever it might be, no appeal could honorably be taken.

But the considerations which most powerfully impel the State of Massachusetts to acquiesce in terms for a treaty, that your communication indicates, are the known desire of the people of the United States for a speedy settlement of the vexed question of the boundary, and the request of the general government, expressed through its constitutional organs, that Massachusetts would yield her consent to an arrangement which that government deems to be reasonable. The State we have the honor to represent would be slow to disappoint the hopes of the nation, and reluctant to reject terms which the government of the United States urges her to accept, as being compatible in the estimation of that government, with the interest of the State, and essential to the complete adjustment of difficulties, which the security of national peace demands.

Whether the national boundary suggested by you be suitable or unsuitable, whether the compensations that Great Britain offers to the United States for the territory conceded to her be adequate or inadequate, and whether the treaty which shall be effected shall be honorable to the country or incompatible with its rights and dignity, are questions, not for Massachusetts, but for the General Government, upon its responsibility to the whole country, to decide. It is for the State to determine for what equivalents they will relinquish to the United States her interest in certain lands in the disputed territory, so that they may be made available to the Government of the United States, in the establishment of the Northeastern Boundary, and in a general settlement of all matters in controversy between Great Britain and the United States.



In this view of the subject, and with the understanding that by the words "the nearest point of the highlands," in your description of the proposed line of boundary, is meant the nearest point of the crest of the highlands; that the right to the free navigation of the river St. John shall include the right to the free transportation thereupon of all products of the soil as well as of the forest; and that the pecuniary compensation to be paid by the Federal Government to the State of Massachusetts shall be increased to the sum of one hundred and fifty thousand dollars, the State of Massachusetts through her commissioners, hereby relinquishes to the United States her interest in the lands which will be excluded from the dominion of the United States by the establishment of the boundary aforesaid.

We have the honor to be, with the greatest respect,

Your obedient servants,

ABBOTT LAWRENCE,  
JOHN MILLS,  
CHARLES ALLEN.

*Hon. Daniel Webster, Secretary of State.*

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*The Maine Commissioners to Mr. Webster.*

WASHINGTON, July 22, 1842.

SIR: The undersigned, Commissioners of the State of Maine on the subject of the Northeastern Boundary, have the honor to acknowledge the receipt of your note, addressed to them under date of the 15th inst., with enclosures therein referred to. The proposition first submitted by the special minister of Great Britain, on the subject of the boundary, having been disagreed to, and the proposition made on the part of the United States, with the assent of the commissioners of Maine and Massachusetts, having been rejected as inadmissible, coupled with the expression of surprise that it should have been made; and Lord Ashburton, in the same communication, having intimated a preference for conference rather than correspondence, and having omitted in his note to make any new proposition, except a qualified withdrawal of a part of his former one, we learn from your note that you "have had full and frequent conferences with him respecting the northeastern boundary," and that you "believe you understand what is practicable to be done on that subject, so far as he (Lord Ashburton) is concerned." We also learn, that "in these conferences he has made no positive or binding proposition, thinking, perhaps, it would be more desirable, under present circumstances, that such a proposition should proceed from the side of the United States;" but that you have reason to believe that he would agree to a line of boundary such as is described in the paper accompanying your note (marked B); and also, that you entertain the conviction, "that no more advantageous arrangement can be made;" and, with this conviction, you refer the subject to the grave deliberation of the commissioners.

Regarding this as substantially a proposition on the part of the United States, with the knowledge and assent of Great Britain, and as the one, most favorable to us, which, under any circumstances, the latter government would either offer or accept, the undersigned have not failed to bestow upon it the grave deliberation and consideration which its nature and importance, and their responsible position, demand. If the result of that deliberation should not fully justify the expressed hopes or meet the expectations and views of the Government of the United States, we beg you to be assured that such failure will be the result of their firm convictions of duty to the state they represent, and will not arise from any want of an anxious desire, on their part, to bring the controversy to an amicable, just, and honorable termination. In coming to this consideration, they have not been unmindful that the state of Maine, with the firmest conviction of her absolute right to the whole territory drawn into the controversy, and sustained, as she has been, by the unanimous concurrence of her sister states, and of the Government of the Union, repeatedly expressed and cordially given, and without a wavering doubt as to the perfect practicability of marking the treaty line upon the face of the earth, according to her claim, has yet, at all times, manifested a spirit of forbearance and patience under what she could not but deem unfounded pretensions, and unwarranted delays and irritating encroachments.

In the midst of all the provocations to resistance, and to the assertion and maintenance of her extreme rights, she has never forgotten that she is a member of the Union, and she has endeavored to deserve the respect, sympathy, and coöperation of her sister states, by pursuing a course equally removed from pusillanimity and rashness, and by maintaining her difficult position in a spirit that would forbear much for peace, but would yield nothing through fear. At all times, and under all circumstances, she has been ready and anxious to bring the controversy to a close upon terms honorable and equitable, and to unite in any proper scheme to effect that object. In this spirit, and with these convictions, Maine instantly and cheerfully acceded to the proposals of the General Government made through you to appoint commissioners.

That no obstacle might be interposed to the successful issue of this negotiation, her legislature gave to her commissioners ample and unlimited powers, which, but for the presumed necessity of the case, her people would be slow to yield to any functionaries. Her commissioners, thus appointed and thus empowered, assumed the duty imposed upon them in the spirit and with the views of the government and people of Maine. They came to the negotiation with a firm conviction of her rights, but with a disposition and determination to meet a conciliatory proposition for a conventional line in a similar spirit, and to yield for any reasonable equivalent, all that they presumed would be asked or desired by the other party. They, with the other citizens of Maine, were not unapprised of the fact so often alluded to in our former communications, that England had long been anxious to obtain the undisputed possession of that portion of the territory which would enable her to maintain a direct and uninterrupted communication between her provinces. So far as they

could learn from any source, this was the only professed object she had in view, and the only one which has been regarded as in contemplation.

With this understanding, the undersigned at once decided to yield, upon the most liberal terms, this long-sought convenience; and they indulged the confident expectation, that such a concession would at once meet all the wants and wishes of the English government, and bring the mission to a speedy and satisfactory close. When, therefore, we were met at the outset by a proposition which required the cession on our part of all the territory north of the St. John river, and enough of the territory on the south to include the Madawaska settlement, extending at least fifty miles up that river, with no other equivalent to us than the limited right to float timber down that river, and to the United States the small tracts adjacent to the 45th parallel of latitude in other states, we could not but express our regret to be thus, as it were, repelled. But regarding this, rather as the extreme limit of a claim, subject, notwithstanding the strong language of Lord Ashburton, to be restrained and limited, we deemed it proper, in our communication of the 6th instant, after declining to accede to the proposition, in conjunction with the commissioners of Massachusetts, to point out and offer a conventional line of boundary as therein specified.

In fixing on this line, we were mainly anxious to select such a one as should at once and preëminently give to Great Britain all that was necessary for her understood object, and to preserve to Maine the remainder of her territory. To accomplish this object, we departed from the river to secure the unobstructed use of the accustomed way from Quebec to Halifax. We are not aware that any objection has been made, from any quarter, to this line, as not giving up to Great Britain all that she needed, or could reasonably ask for the above purpose. And although Lord Ashburton did not deem it necessary to "examine the line (proposed) in its precise details," or to look at a map on which it could most readily be traced, and although he has seen fit to say that he was "quite at a loss to account for such a proposal," yet he has not intimated that the line suggested fails, in any respect, to meet the object we had in view, and which we frankly and readily avowed.

It is well known to you, sir, that we had determined upon no such inflexible adherence to that exact demarcation as would have prevented us from changing it, upon any reasonable evidence that it did not, in any respect, meet the requirements of the above stated proposition, in relation to a perfect line of communication. But, believing then, as we do now, that it did thus meet all these requirements; and although it was, as we felt bound to say, the general and confident expectation of the people of Maine, that any relinquishment on our part, of jurisdiction and territory would be, in part at least, compensated from that strip of contiguous territory on the west bank of the St. John; yet, when we were solemnly assured that no such cession could be made under his lordship's instructions, we forebore to press for this reasonable and just exchange, and contented ourselves with accepting the limited right of navigation of the river, as the only equivalent from Great Britain for the territory and jurisdiction we offered to surrender. And, as you remark, we offered not

merely a right of way on land for a similar easement on the water ; but the entire and absolute title to the land, and jurisdiction of the large tract north and east of the line specified.

It cannot be denied, that it preserves to us a frontier in a forest almost impenetrable on the north, which would defend itself by its own natural character, and that, if any thing should be deducted from the agricultural value of that portion beyond the Madawaska settlements, on account of its ruggedness and its want of attraction to settlers, much may justly be added to its value as a boundary between the two nations.

The value of this tract to Great Britain, both in a civil and military point of view, cannot be overlooked. It gives her the much coveted route for the movement of troops in war, and her mails and passengers in peace, and is most particularly important in case of renewed outbreaks in her North American colonies. The assumption of jurisdiction in the Madawaska settlement, and the pertinacity with which it has been maintained, are practical evidence of the value attached to the tract by the Government of Her Britannic Majesty.

We have alluded to these views of the value and importance of this territory, not with any design of expressing our regret that we thus offered it, but to show that we are fully aware of all the views and circumstances affecting the question, and that we duly appreciate the far-seeing sagacity and prudence of those British statesmen who so early attempted to secure it as a cession, by negotiation, and the suggestion of equivalents.

The answer of Lord Ashburton to your note of the 8th instant contained a distinct rejection of our offer, with a substantial withdrawal of his claim to any territory south of the river St. John, but not modifying the claim for the relinquishment, on the part of Maine and the United States, of all north of that river. Our views in reference to many of the topics in his lordship's reply we have had the honor heretofore to communicate to you, in our note of the 16th inst. ; and to that answer we would now refer, as forming an important part of this negotiation, and as containing our refusal indicated. We are now called upon to consider the final proposition made by or through the Government of the United States for our consideration and acceptance. The line indicated may be shortly defined as the line recommended by the King of the Netherlands, and an addition thereto of a strip of land, at the base of the highlands, running to the source of the southwest branch of the St. John. The examination and consideration of all other lines, which might better meet our views and objects, have been precluded by the declaration, and other plenary evidence we have, that the line specified in your communication is the most advantageous that can be offered to us ; and that no one of less extent, or yielding in fact less to the other party, can be deemed admissible. We are, therefore, brought to the single and simple consideration of the question, whether we can, consistently with our views of our duty to the State we represent, accept the proposition submitted by you.

So far as any claim is interposed, based upon a supposed equity arising from the recommendation of the King of the Netherlands, we have only to refer to our former note for our views on that topic. We have now



only to add, that we came to this conference untrammelled and free, to see if, in a spirit of amity and equity, we could not find and agree upon some new line, which, while it yielded all that was needed by one party, might fairly be the motive and groundwork for equivalent territory or rights granted to the other; and that we cannot make any admission or consent to any proposition which would not revive, but put vitality and power into that which up to this time has never possessed either. We base our whole action on grounds entirely independent of the arbiter.

It may possibly be intimated in this connexion, as it has more than once been heretofore, that the commissioners of Maine and the people of that state, are disposed to regard the whole territory as clearly falling within their rightful limits, and are not willing to consider the question as one in doubt or dispute; and, therefore, one to be settled as if each party had nearly or quite equal claims. Certainly, sir, the people and government of Maine do not deny that the question has been drawn into dispute. They have had too many and too recent painful evidences of that fact, to allow such a doubt, however much at a loss they may be to perceive any just or tenable grounds on which the adversary claim is based. For years they have borne and foreborne, and struggled to maintain their right, in a peaceable and yet unflinching spirit, against what appeared to them injustice from abroad and neglect at home. But they have yet to learn that the mere fact that an adverse claim is made and persisted in, and maintained by ingenuity and ability for a series of years, increasing in extent and varying its grounds as years roll on, is to be regarded as a reason why courtesy should require, in opposition to the fact, a relinquishment of the confidence, or that a continued, adverse and resisted claim, may yet, by mere lapse of time and reiteration, ripen into a right.

But we desire it to be distinctly remembered, that in this attempt to negotiate for a conventional line, Maine has not insisted, or even requested, that any formal or virtual admission of her title to the whole territory should be a condition preliminary to a settlement. We hold, and we claim, the right to express, at all times, and in all suitable places, our opinion of the perfect right of Maine to the whole territory; but we have never assumed it, as a point of honor, that our adversary should acknowledge it. Indeed, we have endeavored to view the subject rather in reference to a settlement, on even hard terms for us, than to dwell on the strong aspect of the case, when we look at the naked question of our right and title under the treaty. It could hardly be expected, however, that we should silently, and thus virtually, acquiesce in any assumption that our claim was unsustained, and that "the treaty line was not executable." On this point we expressed ourselves fully in a former note.

In returning to the direct consideration of the last proposition, and the terms and conditions attending it, in justice to ourselves and our state, we feel bound to declare, and we confidently appeal to you, sir, in confirmation of the declaration, that this negotiation has been conducted, on our own part, with no mercenary views, and with no design to extort unreasonable equivalents or extravagant compensation. The State of Maine has always felt an insuperable repugnance to parting with any portion

even of her disputed territory, for mere pecuniary recompense from adverse claimants. She comes here for no mere bargain for the sale of acres, in the spirit or with the art of traffic. Her commissioners have been much less anxious to secure benefit and recompense, than to preserve the state from unnecessary curtailment and dismemberment. The proposition we made is evidence in point. We have heretofore expressed some opinions of the mutual character of the benefits to each party from the free navigation of the St. John. Without entering, however, upon the particular consideration of the terms and conditions, which we have thought it unnecessary to do, we distinctly state that our great repugnance to the line is based upon the extent of territory required to be yielded. We may, however, in passing, remark that all the pecuniary offers contained in your note, most liberally construed, would scarcely recompense and pay to Maine the amount of money and interest which she has actually expended in defending and protecting the territory from the wrongs arising and threatened by reason of its condition as disputed ground.

Considering then the proposition as involving the surrender of more territory than the avowed objects of England require, as removing our landmarks from the well known and well defined boundary of the treaty of 1783, on the crest of the highlands, besides insisting upon the line of the arbiter in its full extent, we feel bound to say, after the most careful and anxious consideration, that we cannot bring our minds to the conviction that the proposal is such as Maine had a right to expect.

But we are not unaware of the expectations which have been made and are still entertained of a favorable issue to this negotiation by the government and people of this country, and the great disappointment which would be felt and expressed at its failure. Nor are we unmindful of the future, warned as we have been by the past, that any attempts to determine the line by arbitration must be either fruitless or with a result more to be deplored.

We are now given to understand that the Executive of the United States, representing the sovereignty of the Union, assents to the proposal, and that this department of the government, at least, is anxious for its acceptance, as, in its view, most expedient for the general good.

The commissioners of Massachusetts have already given their assent on behalf of that commonwealth. Thus situated, the commissioners of Maine, invoking the spirit of attachment and patriotic devotion of their state to the Union, and being willing to yield to the deliberative convictions of her sister states as the path of duty, and to interpose no obstacles to an adjustment which the general judgment of the nation shall pronounce as honorable and expedient, even if that judgment shall lead to a surrender of a portion of the birthright of the people of their state, and prized by them because of their birthright, have determined to overcome their objections to the proposal, so far as to say, that if, upon mature consideration, the Senate of the United States shall advise and consent to the ratification of a treaty, corresponding in its terms with your proposal, and with the conditions in our memorandum accompanying this note, (marked A,) and identified by our signatures, they, by virtue of the power vested in them by the resolves by the Legislature of Maine, give

the assent of that state to such conventional line, with the terms, conditions, and equivalents herein mentioned.

We have the honor to be, sir, with high respect,

Your obedient servants,

EDWARD KAVANAGH,  
EDWARD KENT,  
JOHN OTIS,  
WILLIAM P. PREBLE.

*Hon. Daniel Webster, &c.*

A. The commissioners of Maine request the following provisions, or the substance thereof, shall be incorporated into the proposed treaty, should one be agreed on :

1st. That the amount of "the disputed territory fund," (so called,) received by the authorities of New Brunswick, for timber cut on the disputed territory, shall be paid over to the United States, for the use of Maine and Massachusetts, in full, and a particular account rendered, or a gross sum, to be agreed upon by the commissioners of Maine and Massachusetts, shall be paid by Great Britain, as a settlement of that fund ; and all claims, bonds, and securities, taken for timber cut upon the territory, be transferred to the authorities of Maine and Massachusetts.

2d. That all grants of land within that portion of the disputed territory conceded to Great Britain, made by Maine and Massachusetts, or either of them, shall be confirmed, and all equitable possessory titles shall be quieted, to those who possess the claims ; and we assent to a reciprocal provision for the benefit of settlers falling within the limits of Maine. And we trust that the voluntary suggestion of the British minister, in regard to John Baker and any other, if there be any similarly situated, will be carried into effect, so as to secure their rights.

3d. That the right of free navigation of the St. John, as set forth in the proposition of Mr. Webster, on the part of the United States, shall extend to and include the products of the soil in the same manner as the products of the forest ; and that no toll, tax, or duty be levied upon timber coming from the territory of Maine.

EDWARD KAVANAGH,  
EDWARD KENT,  
JOHN OTIS,  
WILLIAM P. PREBLE.

## CASE OF THE CAROLINE.

*Mr. Webster to Lord Ashburton.*

DEPARTMENT OF STATE, }  
Washington, July 27, 1842. }

MY LORD : In relation to the case of the "Caroline," which we have heretofore made the subject of conference, I have thought it right to place in your hands an extract of a letter from this department to Mr.

Fox, of the 24th of April, 1841, and an extract from the message of the President of the U. States to Congress at the commencement of its present session. These papers you have, no doubt, already seen; but they are, nevertheless, now communicated, as such communication is considered a ready mode of presenting the view which this Government entertains of the destruction of that vessel.

The act of which the Government of the United States complains, is not to be considered as justifiable or unjustifiable, as the question of the lawfulness or unlawfulness of the employment in which the "Caroline" was engaged, may be decided the one way or the other. That act was of itself a wrong, and an offence to the sovereignty and dignity of the United States, being a violation of their soil and territory; a wrong for which, to this day, no atonement, or even apology, has been made by Her Majesty's Government. Your lordship cannot but be aware that self-respect, the consciousness of independence and national equality, and a sensitiveness to whatever may touch the honor of the country, — a sensitiveness which this Government will ever feel and ever cultivate, — makes this a matter of high importance, and I must be allowed to ask for it your lordship's grave consideration.

I have the honor to be, my Lord, your lordship's most obedient serv't.

DANIEL WEBSTER.

Lord Ashburton, &c. &c.

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[Here follows the letter of Mr. Webster to Mr. Fox, dated April 24, 1841, which has already appeared in this journal, [Mon. Chron. Vol. II. p. 262.]

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*Extract from the Message of the President to Congress at the Commencement of its present session.*

I REGRET that it is not in my power to make known to you an equally satisfactory conclusion in the case of the "Caroline" steamer, with the circumstances connected with the destruction of which, in December, 1837, by an armed force fitted out in the province of Upper Canada, you are already made acquainted. No such atonement as was due for the public wrong done to the United States by this invasion of her territory, so wholly irreconcilable with her rights as an independent power, has yet been made. In the view taken by his government, the inquiry whether the vessel was in the employment of those who were prosecuting an unauthorized war against that province, or was engaged by the owner in the business of transporting passengers to and from Navy Island, in hopes of private gain, which was most probably the case, in no degree alters the real question at issue between the two governments. This government can never concede to any foreign government the power, except in a case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign government, or have disregarded their obligations arising under the law of nations. The ter-



ritory of the United States must be regarded as sacredly secure against all such invasions, until they shall voluntarily acknowledge inability to acquit themselves of their duties to others; and, in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to vindicate, at all hazards, than the people and government of Great Britain. If upon a full investigation of all the facts, it shall appear that the owner of the "Caroline" was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy Island, then so far as he is concerned, there can be no claim to indemnity for the destruction of his boat, which this government would feel itself bound to prosecute, since he would have acted not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States. But that is a question which, however settled, in no manner involves the higher consideration of the violation of territorial sovereignty and jurisdiction. To recognize it as an admissible practice, that each government, in its turn, upon sudden and unauthorized outbreak, which, on a frontier, the extent of which renders it impossible for either to have an efficient force on every mile of it, and which outbreak, therefore, neither may be able to suppress in a day, may take vengeance into its own hands, and without even a remonstrance, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. When border collisions come to receive the sanction or to be made on the authority of either government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with all nations, and to fulfil all the duties of good neighborhood, towards those who possess territories adjoining their own, that very desire would lead them to deny the right of any foreign power to invade their boundary with an armed force. The correspondence between the two governments on this subject will, at a future day of your session, be submitted to your consideration; and, in the mean time, I cannot but indulge the hope that the British government will see the propriety of renouncing as a rule of future action, the precedent which has been set in the affair at Schlosser.

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*Lord Ashburton to Mr. Webster.*

WASHINGTON, July 28, 1842.

SIR: In the course of our conference on the several subjects of difference which it was the object of my mission to endeavor to settle, the unfortunate case of the Caroline, with its attendant consequences, could not escape our attention; for although it is not of a description to be susceptible of any settlement by a convention or treaty, yet, being connected with the highest considerations of national honor and dignity, it has given rise, at times, to deep excitements, so as more than once to endanger the maintenance of peace.

The note you did me the honor of addressing me the 27th instant, reminds me that however disposed your Government might be, to be satisfied with the explanations which it has been my duty to offer, the natural anxiety of the public mind requires that these explanations should be more durably recorded in our correspondence, and you send me a copy of your note to Mr. Fox, Her Britannic Majesty's minister here, and an extract from the speech of the President of the United States to Congress at the opening of the present session, as a ready mode of presenting the view entertained on this subject by the Government of the United States.

It is, so far, satisfactory to perceive that we are perfectly agreed as to the general principles of international law applicable to this unfortunate case. Respect for the inviolable character of the territory of independent nations, is the most essential foundation of civilization. It is useless to strengthen a principle so generally acknowledged by any appeal to authorities on international law, and you may be assured, sir, that Her Majesty's Government set the highest possible value on this principle, and are sensible of their duty to support it by their conduct and example, for the maintenance of peace and order in the world. If a sense of moral responsibility were not sufficient security for their observance of this duty towards all nations, it will be readily believed that the most common dictates of interest and policy would lead to it in the case of a long continuous boundary of some thousand miles, with a country of such great and growing power as the United States of America, inhabited by a kindred race, gifted with all its activity, and all its susceptibility on points of national honor.

Every consideration, therefore, leads us to set, as highly as your government can possibly do, this paramount obligation of reciprocal respect for the independent territory of each. But, however strong this duty may be, it is admitted by all writers, by all jurists, by the occasional practice of all nations, not excepting your own, that a strong overpowering necessity may arise, when this great principle may and must be suspended. It must be so for the shortest possible period, during the continuance of an admitted overruling necessity, and strictly confined within the narrowest limits imposed by that necessity. Self-defence is the first law of our nature; and it must be recognized by every code which professes to regulate the conditions and relations of man. Upon this modification, if I may so call it, of the great general principle, we seem also to be agreed; and on this part of the subject I have done little more than repeat the sentiments, though in less forcible language, admitted and maintained by you in the letter to which you refer me.

Agreeing, therefore, on the general principle, and on the possible exception to which it is liable, the only question between us is whether this occurrence came within the limits fairly to be assigned to such exception; whether, to use your words, there was "that necessity of self-defence, instant, overwhelming, leaving no choice of means," which preceded the destruction of the *Caroline*, while moored to the shore of the United States. Give me leave to say, sir, with all possible admiration of your very ingenious discussion of the general principles which are sup-

posed to govern the right and practice of interference by the people of one country in the wars and quarrels of others, that this part of your argument is little applicable to our immediate case. If Great Britain, America, or any other country suffer their people to fit out expeditions to take part in distant quarrels, such conduct may, according to the circumstances of each case, be justly matters of complaint; and perhaps these transactions have generally been in late times too much overlooked or connived at.

But the case we are considering is of a wholly different description, and may be best determined by answering the following questions: Supposing a man standing on ground where you have no legal right to follow him, has a weapon long enough to reach you, and is striking you down and endangering your life, how long are you bound to wait for the assistance of the authority having legal power to relieve you? Or, to bring the facts more immediately home to the case, if cannon are moving and setting up in a battery which can reach you, and are actually destroying life and property by their fire, if you have remonstrated for some time without effect, and see no prospect of relief, when begins your right to defend yourself, should you have no other means of doing so than by seizing your assailant on the verge of a neutral territory?

I am unwilling to recal to your recollection the particulars of this case, but I am obliged very shortly to do so, to show what was at the time the extent of the existing justification, for upon this entirely depends the question whether a gross insult has or has not been offered to the Government and people of the United States.

After some tumultuous proceedings in Upper Canada, which were of short duration, and were suppressed by the militia of the country, the persons criminally concerned in them took refuge in the neighboring State of New York, and with a very large addition to their numbers openly collected, invaded the Canadian territory, taking possession of Navy Island.

This invasion took place the 16th of December, 1837; a gradual accession of numbers and of military ammunition continued openly, and though under the sanction of no public authority, at least with no public hinderance, until the 29th of the same month, when several hundred men were collected, and twelve pieces of ordnance, which could only have been procured from some public store or arsenal, were actually mounted on Navy Island, and were used to fire within easy range upon the undefending inhabitants of the opposite shore. Remonstrances, wholly ineffective, were made; so ineffectual, indeed, that a militia regiment stationed on the neighboring American island, looked on without any attempt at interference, while shots were fired from the American island itself. This important fact stands on the best American authority, being stated in a letter to Mr. Forsyth, of the 6th of February, 1838, of Mr. Benton, attorney of the United States, the gentleman sent by your government to inquire into the facts of the case, who adds, very properly, that he makes the statement "with deep regret and mortification."

This force, formed of all the reckless and mischievous people of the border, formidable from their numbers and from their armament, had in

their pay, and as part of their establishment, this steamboat *Caroline*, the important means and instrument by which numbers and arms were hourly increasing. I might safely put it to any candid man acquainted with the existing state of things, to say whether the military commander in Canada had the remotest reason, on the 29th of December, to expect to be relieved from this state of suffering by the protective intervention of any American authority. How long could a Government having the paramount duty of protecting its own people, be reasonably expected to wait for what they had then no reason to expect? What would have been the conduct of American officers? What has been their conduct under circumstances much less aggravated? I would appeal to you, sir, to say whether the facts which you say would alone justify this, act, namely, "a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation," were not applicable to this case in as high a degree as they ever were to any case of a similar description in the history of nations.

Nearly five years are now passed since this occurrence; there has been time for the public to deliberate upon it calmly, and I believe I may take it to be the opinion of candid and honorable men, that the British officers who executed this transaction, and their Government who approved it, intended no slight or disrespect to the sovereign authority of the United States. That they intended no such disrespect I can most solemnly affirm, and I trust it will be admitted that no inference to the contrary can fairly be drawn, even by the most susceptible on points of national honor.

Notwithstanding my wish that the explanation I had to make might not revive in any degree any feelings of irritation, I do not see how I could treat this subject without this short recital of facts, because the proof that no disrespect was intended, is mainly to be looked for in the extent of the justification.

There remains only a point or two which I should wish to notice, to remove in some degree the impression which your rather highly colored description of this transaction is calculated to make. The mode of telling a story often tends to distort facts, and in this case more than in any other, it is important to arrive at plain, unvarnished truth.

It appears from every account, that the expedition was sent to capture the *Caroline*, when she was expected to be found on the British ground of Navy Island, and that it was only owing to the orders of the rebel leader being disobeyed, that she was not so found. When the British officer came round the point of the island in the night, he first discovered that the boat was moored to the other shore. He was not by this deterred from making the capture, and his conduct was approved. But you will perceive that there was here, most decidedly, the case of justification mentioned in your note, that there should be "no moment left for deliberation." I mention this circumstance to show, also, that the expedition was not planned with a premeditated purpose of attacking the enemy within the jurisdiction of the United States, but that the necessity of so doing arose from altered circumstances at the moment of execution.

I have only further to notice the highly colored picture drawn in your



note, of the facts attending the execution of this service. Some importance is attached to the attack having been made in the night, and the vessel having been set on fire and floated down the falls of the river; and it is insinuated rather than asserted, that there was carelessness as to the lives of the persons on board. The account given by the distinguished officer who commanded the expedition distinctly refutes or satisfactorily explains these assertions. The time of night was purposely selected as most likely to insure the execution, with the least loss of life; and it is expressly stated that, the strength of the current not permitting the vessel to be carried off, and it being necessary to destroy her by fire, she was drawn into the stream for the express purpose of preventing injury to the persons or property of the inhabitants at Schlosser.

I would willingly have abstained from a return to the facts of this transaction, my duty being to offer those explanations and assurances which may lead to satisfy the public mind, and to the cessation of all angry feelings; but it appears to me that some explanation of the facts of the case, apparently misunderstood, might be of service for this purpose.

Although it is believed that a candid and impartial consideration of the whole history of this unfortunate event will lead to the conclusion, that there were grounds of justification as strong as ever were presented in such cases, and above all, that no slight of the authority of the United States was ever intended, yet, it must be admitted, that there was, in the hurried execution of this necessary service a violation of territory, and I am instructed to assure you that her Majesty's Government consider this as a most serious fact, and that far from thinking that an event of this kind should be lightly risked, they would unfeignedly deprecate its recurrence. Looking back to what passed at this distance of time, what is perhaps most to be regretted is, that some explanation and apology for this occurrence was not immediately made; this, with a frank explanation of the necessity of the case, might, and probably would, have prevented much of the exasperation, and of the subsequent complaints and recriminations to which it gave rise.

There are possible cases in the relations of nations as of individuals, where necessity, which controls all other laws, may be pleaded; but it is neither easy, nor safe, to attempt to define the rights or limits properly assignable to such a plea. This must always be a subject of much delicacy, and should be considered by friendly nations with great candor and forbearance. The intentions of the parties must mainly be looked to; and can it for a moment be supposed, that Great Britain would intentionally and wantonly provoke a great and powerful neighbor?

Her Majesty's Government earnestly desire, that a reciprocal respect for the independent jurisdiction and authority of neighboring states may be considered among the first duties of all governments; and I have to repeat the assurance of regret they feel, that the event of which I am treating should have disturbed the harmony they so anxiously wish to maintain with the American people and government.

Connected with these transactions, there have also been circumstances, of which I believe it is generally admitted that Great Britain has also had

just ground to complain. Individuals have been made personally liable for acts done under the avowed authority of their Government; and there are now many brave men exposed to personal consequences for no other cause than having served their country. That this is contrary to every principle of international law, it is useless for me to insist. Indeed, it has been admitted by every authority of your Government; but owing to a conflict of laws, difficulties have intervened much to the regret of those authorities, in giving practical effect to these principles; and for these difficulties some remedy has been by all desired. It is no business of mine to enter upon the consideration of them, nor have I sufficient information for the purpose; but I trust you will excuse my addressing to you the inquiry, whether the Government of the United States is now in the condition to secure, in effect and in practice, the principle which has never been denied in argument, that individuals, acting under legitimate authority, are not personally responsible for executing the orders of their Government? That the power, when it exists, will be used on every fit occasion, I am well assured; and I am bound to admit that, looking through the voluminous correspondence concerning these transactions, there appears no indisposition with any of the authorities of the Federal Government, under its several administrations, to do justice in this respect, in as far as their means and powers would allow.

I trust, sir, I may now be permitted to hope that all feelings of resentment and ill will, resulting from these truly unfortunate events, may be buried in oblivion, and that they may be succeeded by those of harmony and friendship, which is certainly the interest, and, I also believe, the inclination of all to promote.

I beg, sir, you will be assured of my high and unfeigned consideration.

ASHBURTON.

HON. DANIEL WEBSTER, &c. &c.

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*Mr. Webster to Lord Ashburton.*

DEPARTMENT OF STATE, }  
Washington, August 6, 1842. }

YOUR Lordship's note of the 28th of July, in answer to mine of the 27th, respecting the case of the "Caroline," has been received and laid before the President.

The President sees with pleasure that your lordship fully admits those great principles of public law applicable to cases of this kind, which this government has expressed; and that on your part, as on ours, respect for the inviolable character of the territory of independent states, is the most essential foundation of civilization. And while it is admitted, on both sides, that there are exceptions to this rule, he is gratified to find that your lordship admits that such exceptions must come within the limitations stated and the terms used in a former communication from this department to the British plenipotentiary here. Undoubtedly it is just,

that while it is also admitted that exceptions growing out of the great law of self-defence do exist, those exceptions should be confined to cases in which the "necessity of that self defence is instant, overwhelming, that leave no choice of means, and no moment for deliberation."

Understanding these principles alike, the difference between the two governments is only whether the facts in the case of the "Caroline" make out a case of such necessity for the purpose of self defence. Seeing that the transaction is not recent, having happened in the time of one of his predecessors; seeing that your lordship, in the name of your government, solemnly declares that no slight or disrespect was intended to the sovereign authority of the United States; seeing that it is acknowledged that whether justifiable or not, there was yet a violation of the territory of the United States, and that you are instructed to say that your government considers that as a most serious occurrence; seeing, finally, that it is now admitted that an explanation and apology for this violation was due at the time, the President is content to receive these acknowledgments and assurances in the conciliatory spirit which marks your lordship's letter, and will make this subject, as a complaint of violation of territory, the topic of no further discussion between the two governments.

As to that part of your lordship's note which relates to other occurrences springing out of the case of the "Caroline," with which occurrences the name of Alexander McLeod has become connected, I have to say that the government of the United States entirely adheres to the sentiments and opinions expressed in the communications from this department to Mr. Fox. This government has admitted, that for an act, committed by the command of his sovereign, *jure belli*, an individual cannot be responsible, in the ordinary courts of another state. It would regard it as a high indignity if a citizen of its own, acting under its authority, and by its special command, in such cases, were held to answer in a municipal tribunal, and to undergo punishment, as if the behest of his government were no defence or protection to him.

But your lordship is aware that in regular constitutional governments, persons arrested on charges of high crimes can only be discharged by some judicial proceeding. It is so in England, it is so in the colonies and provinces of England. The forms of judicial proceedings differ in different countries, being more rapid in some and more dilatory in others; and it may be added, generally, more dilatory, or at least more cautious, in cases affecting life, in governments of a strictly limited, than in those of a more unlimited character. It was a subject of regret that the release of McLeod was so long delayed. A state court, and that not of the highest jurisdiction, decided that, on summary application, embarrassed, as it would appear, by technical difficulties, he could not be released by that court. His discharge, shortly afterward, by a jury, to whom he preferred to submit his case, rendered unnecessary the further prosecution of the legal question.

It is for the Congress of the United States, whose attention has been called to the subject, to say what further provisions ought to be made to expedite proceedings in such cases; and, in answer to your lordship's

question toward the close of your note, I have to say that the government of the United States holds itself, not only fully disposed, but fully competent to carry into practice every principle which it avows or acknowledges, and to fulfil every duty and obligation which it owes to foreign governments, their citizens or subjects.

I have the honor to be, my lord, with great consideration,

Your obedient servant,

DANIEL WEBSTER.

LORD ASHBURTON, &c. &c.

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### IMPRESSMENT.

*Mr. Webster to Lord Ashburton.*

DEPARTMENT OF STATE, }  
Washington, August 8, 1842. }

MY LORD : We have had several conversations on the subject of impressment ; but I do not understand that your Lordship has instructions from your government to negotiate upon it, nor does the government of the United States see any utility in opening such negotiations, unless the British government is prepared to forego the practice in all future wars. No cause has produced, to so great an extent, and for so long a period, disturbing and irritating influences on the political relations of the United States and England, as the impressment of seamen by British cruisers from American merchant vessels.

From the commencement of the French revolution to the breaking out of the war between the two countries in 1812, hardly a year elapsed without loud complaint and earnest remonstrance ; a deep feeling of opposition to the right claimed, and to the practice exercised under it, and not unfrequently exercised without the least regard to what justice and humanity would have dictated, even if the right itself had been admitted, took possession of the public mind of America, and this feeling, it is well known, coöperated most powerfully with other causes to produce the state of hostilities which ensued.

At different periods, both before and since the war, negotiations have taken place between the two governments, with the hope of finding some means of quieting these complaints. At some times the effectual abolition of the practice has been requested and treated of ; at other times, its temporary suspension ; and at other times again, the limitation of its exercise, and some security against its enormous abuses.

A common destiny has attended these efforts ; they have all failed. The question stands at this moment where it stood fifty years ago. The nearest approach to a settlement was a convention proposed in 1803, and which had come to the point of signature, when it was broken off in consequence of the British government insisting that the *narrow seas* should be expressly excepted, out of the sphere over which the contemplated stipulations against impressment should extend. The American minister, Mr. King, regarded this exception as quite inadmissible, and



rather chose to abandon the negotiation than acquiesce in the doctrine which it proposed to establish.

England asserts the right of impressing British subjects, in time of war, out of neutral merchant vessels, and of deciding by her visiting officers, who, among the crews of such merchant vessels, are British subjects. She asserts this as a legal exercise of the prerogative of the crown; which prerogative is alleged to be founded on the English law of the perpetual and indissoluble allegiance of the subject, and his obligation, under all circumstances, and for his whole life, to render military services to the crown whenever required.

This statement, made in the words of eminent British jurists, shows at once that the English claim is far broader than the basis or platform on which it is raised. The law relied on is English law; the obligations insisted on are obligations existing between the crown of England and its subjects. This law, and these obligations, it is admitted, may be such as England may choose they shall be; but then they must be confined to the parties. Impressment of seamen, out of and beyond English territory, and from on board the ships of other nations, is an interference with the rights of other nations; is further, therefore, than English prerogative can legally extend; and is nothing but an attempt to enforce the peculiar law of England beyond the dominions and jurisdiction of the crown. The claim asserts an extra-territorial authority for the law of British prerogative, and assumes to exercise this extra-territorial authority to the manifest injury and annoyance of the citizens and subjects of other States, on board their own vessels on the high seas.

Every merchant vessel on the seas is rightfully considered as part of the territory of the country to which it belongs. The entry, therefore, into such vessel, being neutral, by a belligerent, is an act of force, and is *prima facie*, a wrong, a trespass, which can be justified only when done for some purpose, allowed to form a sufficient justification by the law of nations. But a British cruiser enters an American merchant vessel in order to take therefrom supposed British subjects; offering no justification therefor, under the law of nations, but claiming the right under the law of England respecting the king's prerogative. This cannot be defended. English soil, English territory, English jurisdiction, is the appropriate sphere for the operation of English law. The ocean is the sphere of the law of nations; and any merchant vessel on the seas is, by that law, under the protection of the laws of her own nation, and may claim immunity, unless in cases in which that law allows her to be entered or visited.

If this notion of perpetual allegiance, and the consequent power of the prerogative, was the law of the world; if it formed part of the conventional code of nations, and was usually practiced like the right of visiting neutral ships, for the purpose of discovering and seizing enemy's property, then impressment might be defended as a common right, and there would be no remedy for the evil till the national code should be altered. But this is by no means the case. There is no such principle incorporated into the code of nations. The doctrine stands only as English law—not as national law; and English law cannot be in force beyond Eng-

lish dominion. Whatever duties or relations that law creates between the sovereign and his subjects, can be enforced and maintained only within the realm, or proper possessions or territory of the sovereign. There may be quite as just a prerogative right to the property of the subjects as to their personal services, in an exigency of the State; but no government thinks of controlling by its own laws property of its subjects situated abroad; much less does any government think of entering the territory of another power for the purpose of seizing such property and applying it to their own uses. As laws, the prerogatives of the crown of England have no obligation on persons or property domiciled or situated abroad.

"When, therefore," says an authority not unknown or unregarded on either side of the Atlantic, "we speak of the rights of a state to bind its own native subjects every where, we speak only of its own claim and exercise of sovereignty over them when they return within its own territorial jurisdiction, and not of its right to compel or require obedience to such laws, on the part of other nations, within their own territorial sovereignty. On the contrary, every nation has an exclusive right to regulate persons and things within its own territory, according to its sovereign will and public polity."

The good sense of these principles, their remarkable pertinency to the subject now under consideration, and the extraordinary consequences resulting from the British doctrine, are signally manifested by that which we see taking place every day. England acknowledges herself overburdened with population of the poorer classes. Every instance of the emigration of persons of those classes is regarded by her as a benefit. England, therefore, encourages emigration; means are notoriously supplied to emigrants to assist their conveyance, from public funds; and the new world, and more especially these United States, receive the many thousands of her subjects thus ejected from the bosom of their native land by the necessities of their condition. They come away from poverty and distress, in over-crowded cities, to seek employment, comfort, and new homes, in a country of free institutions possessed by a kindred race, speaking their own language, and having laws and usages in many respects like those to which they have been accustomed, and a country which, upon the whole, is found to possess more attractions for persons of their character and condition, than any other on the face of the globe.

It is stated that in the quarter of the year ending with June last, more than twenty-six thousand emigrants left the single port of Liverpool for the United States, being four or five times as many as left the same port within the same period for the British colonies, and all other parts of the world. Of these crowds of emigrants, many arrive in our cities in circumstances of great destitution, and the charities of the country, both public and private, are severely taxed to relieve their immediate wants. In time they mingle with the new community in which they find themselves, and seek means of living; some find employment in the cities, others go to the frontiers, to cultivate lands reclaimed from the forest; and a greater or less number of the residue, becoming in time naturalized citizens, enter into the merchant service, under the flag of their adopted country.

Now, my lord, if war should break out between England and a European power, can any thing be more unjust, any thing more irreconcilable to the general sentiment of mankind, than that England should seek out these persons, thus encouraged by her, and compelled by their own condition, to leave their native homes, tear them away from their new employments, their new political relations, and their domestic connexions, and force them to undergo the danger and hardships of military service, for a country which has thus ceased to be their own country? Certainly, certainly, my lord, there can be but one answer to this question. Is it not far more reasonable that England should either prevent such emigration of her subjects, or, that, if she encourage and promote it, she should leave them not to the embroilment of a double and a contradictory allegiance, but to their own voluntary choice, to form such relations, political or social, as they see fit, in the country where they are to find their bread, and to the laws and institutions of which they are to look for defence and protection?

A question of such serious importance ought to be put at rest. If the U. States give shelter and protection to those whom the policy of England annually casts upon their shores; if, by the benign influences of their government and institutions, and by the happy condition of the country, those emigrants become raised from poverty to comfort, finding it easy even to become landholders, and being allowed to partake of the enjoyment of all civil rights; if all this may be done, (and all this is done, under the countenance and encouragement of England herself,) is it not high time that, yielding that which had its origin in feudal ideas as inconsistent with the present state of society, and especially with the intercourse and relations subsisting between the old world and the new, England should, at length, formally disclaim all right to the services of such persons, and renounce all control over their conduct?

But impressment is subject to objections of a much wider range. If it could be justified in its application to those who are declared to be its only objects, it still remains true, that, in its exercise, it touches the political rights of other governments, and endangers the security of their own native subjects and citizens. The sovereignty of the state is concerned in maintaining its exclusive jurisdiction and possession over its merchant ships on the seas, except so far as the law of nations justifies intrusion upon that possession for special purposes; and all experience has shown, that no member of a crew, wherever born, is safe against impressment when a ship is visited.

The evils and injuries resulting from the actual practice can hardly be overstated, and have ever proved themselves to be such as should lead to its relinquishment, even if it were founded in any defensible principle. The difficulty of discriminating between English and American citizens has always been found to be great, even when an honest purpose of discrimination has existed. But the lieutenant of a man-of-war, having necessity for men, is apt to be a summary judge, and his decisions will be quite as significant of his own wants and his own power, as of the truth and justice of the case. An extract from a letter of Mr. King, of the 13th of April, 1797, to the American Secretary of State, shows something of the enormous extent of these wrongful seizures:

"Instead of a few, and these in many instances equivocal cases, I have," says he, "since the month of July past, made application for the discharge, from British men-of-war, of two hundred and seventy-one seamen, who, stating themselves to be Americans, have claimed my interference. Of this number eighty-six have been ordered by the Admiralty to be discharged, thirty-seven more have been detained as British subjects or as American volunteers, or for want of proof that they are Americans, and to my applications for the discharge of the remaining one hundred and forty-eight, I have received no answer, the ships on board of which these seamen were detained having in many instances sailed before an examination was made in consequence of my application.

"It is certain that some of those who have applied to me are not American citizens, but the exceptions are, in my opinion, few, and the evidence, exclusive of certificates, has been such as, in most cases, to satisfy me that the applicants were real Americans, who have been forced into the British service, and who, with singular constancy generally persevered in refusing pay or bounty, though in some instances they have been in service more than two years."

But the injuries of impressment are by no means confined to its immediate subjects, or the individuals on whom it is practiced. Vessels suffer from the weakening of the crews, and voyages are often delayed, and not unfrequently broken up, by subtraction from the number of regular hands by impressment. And what is of still greater and more general moment, the fear of impressment has been found to create great difficulty in obtaining sailors for the American merchant service in times of European war. Seafaring men, otherwise inclined to enter that service, are, as experience has shown, deterred by the fear of finding themselves ere long in compulsory military service in British ships of war. Many instances have occurred, fully established in proof, in which raw seamen, natives of the United States, fresh from the fields of agriculture, entering for the first time on ship-board, have been impressed before they made the land, placed on the decks of British men-of-war, and compelled to serve for years before they could obtain their release, or visit their native country, and their homes. Such instances become known, and their effect in discouraging young men from engaging in the merchant service of their country can neither be doubted nor wondered at. More than all, my lord, the practice of impressment, whenever it has existed, has produced not conciliation or good feeling, but resentment, exasperation, and animosity between the two great commercial countries of the world.

In the calm and quiet which have succeeded the late war, — a condition so favorable for dispassionate consideration, — England herself has evidently seen the harshness of impressment, even exercised on seamen in her own merchant service, and she has adopted measures calculated if not to renounce the power or to abolish the practice, yet, at least, to supersede its necessity by other means of manning the royal navy more compatible with justice and the rights of individuals, and far more conformable to the spirit and sentiments of the age.

Under these circumstances, the Government of the United States has used the occasion of your lordship's pacific mission to renew this whole



subject, and to bring it to your notice and that of your government. It has reflected on the past, pondered on the condition of the present, and endeavored to anticipate, as far as might be in its power, the probable future, and I am now to communicate to your lordship the result of these deliberations.

The American Government, then, is prepared to say, that the practice of impressing seamen from American vessels cannot be hereafter allowed to take place. That practice is founded on principles which it does not recognize, and is invariably attended by consequences so unjust, so injurious, and of such formidable magnitude, as cannot be submitted to.

In the early disputes between the two governments on this so long contested topic, the distinguished person to whose hands were first intrusted the seals of this department declared, that "the simplest rule will be, that the vessel being American shall be evidence that the seamen on board are such."

Fifty years' experience, the utter failure of many negotiations, and a careful consideration now had of the whole subject at a moment when the passions are laid, and no present instance or emergency exists to bias the judgment, have fully convinced this Government that this is not only the simplest and best, but the only rule, which can be adopted and observed, consistently with the rights and honor of the United States, and the security of their citizens. That rule announces, therefore, what will hereafter be the principle maintained by this Government. In every regularly documented American merchant vessel the crew who navigate it will find their protection in the flag which is over them.

The announcement is not made, my lord, to revive useless recollections of the past, nor to stir embers from fires which have been in a great degree smothered by many years of peace. Far otherwise. Its purpose is to extinguish those fires effectually, before new incidents arise to fan them into flame. The communication is in the spirit of peace, and for the sake of peace, and springs from a deep and conscientious conviction that the high interests of both nations require that this so long contested and controverted subject should now be finally put to rest. I persuade myself, my lord, that you will do justice to this frank and sincere avowal of motives, and that you will communicate your sentiments in this respect, to your government.

This letter closes, my lord, on my part, our official correspondence; and I gladly use the occasion to offer you the assurances of my high and sincere regard.

DANIEL WEBSTER.

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*Lord Ashburton to Mr. Webster.*

WASHINGTON, August 9, 1842.

SIR: The note you did me the honor of addressing me the 8th instant, on the subject of impressment, shall be transmitted without delay to my Government, and will, you may be assured, receive from them the deliberate attention which its importance deserves.

The object of my mission was mainly the settlement of existing subjects of difference, and no differences have or could have arisen of late years with respect to impressment, because the practice has since the peace wholly ceased, and cannot, consistently with existing laws and regulations for manning her Majesty's navy, be, under present circumstances, renewed.

Desirous, however, of looking far forward into futurity to anticipate every possible cause of disagreement, and sensible of the anxiety of the American people on this grave subject of past irritation, I should be sorry in any way to discourage the attempt at some settlement of it; and, although without authority to enter upon it here during the limited continuance of my mission, I entertain a confident hope that this task may be accomplished, when undertaken, with the spirit of candor and conciliation which has marked all our late negotiation.

It not being our intention to endeavor now to come to any agreement on this subject, I may be permitted to abstain from noticing, at any length, your very ingenious arguments relating to it, and from discussing the graver matters of constitutional and international law growing out of them. These sufficiently show that the question is one requiring calm consideration; though I must, at the same time, admit that they prove a strong necessity of some settlement for the preservation of that good understanding which, I trust, we may flatter ourselves that our joint labors have now succeeded in establishing.

I am well aware that the laws of our two countries maintain opposite principles respecting allegiance to sovereignty. America, receiving every year, by thousands, the emigrants of Europe, maintains the doctrine suitable to her condition of the right of transferring allegiance at will. The laws of Great Britain have maintained, from all time, the opposite doctrine. The duties of allegiance are held to be indispensable, and it is believed that this doctrine, under various modifications, prevails in most, if not in all, the civilized states of Europe.

Emigration, the modern mode by which the population of the world peaceably finds its level, is for the benefit of all, and eminently for the benefit of humanity. The fertile deserts of America are gradually advancing to the highest state of cultivation and production, while the emigrant acquires comfort which his own confined home could not afford him.

If there were any thing in our laws, or our practice, on either side, tending to impede this march of providential humanity, we could not be too eager to provide the remedy; but as this does not appear to be the case, we may safely leave this part of the subject without indulging in abstract speculations, having no material practical application to matters in discussion between us.

But it must be admitted that a serious practical question does arise, or rather has existed, from practices formerly attending the mode of manning the British navy in times of war. The principle is, that all subjects of the crown are in case of necessity bound to serve their country, and the sea-faring man is naturally taken for the naval service. This is not, as is sometimes supposed, any arbitrary principle of monarchical govern-

ment, but one founded on the natural duty of every man to defend the life of his country; and all the analogy of your laws would lead to the conclusion that the same principle would hold good in the United States, if their geographical position did not make its application unnecessary.

The very anomalous condition of the two countries, with relation to each other, here creates a serious difficulty. Our people are not distinguishable; and owing to the peculiar habits of sailors, our vessels are very generally manned from a common stock. It is difficult, under these circumstances, to execute laws which at times have been thought to be essential for the existence of the country, without risk of injury to others. The extent and importance of those injuries, however, are so formidable, that it is admitted that some remedy should, if possible, be applied; at all events, it must be fairly and honestly attempted.

It is true that during the continuance of peace no practical grievance can arise; but it is also true that it is for that reason the proper season for the calm and deliberate consideration of an important subject. I have much reason to hope that a satisfactory arrangement respecting it may be made, so as to set at rest all apprehension and anxiety; and I will only further repeat the assurance of the sincere disposition of my government favorably to consider all matters having for their object the promoting and maintaining undisturbed kind and friendly feeling with the United States.

I beg sir, on this occasion of closing the correspondence with you connected with my mission, to express the satisfaction I feel at its successful termination, and to assure you of my high consideration and personal esteem and regard.

ASHBURTON.

HON. DANIEL WEBSTER, &c. &c.

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### CASE OF THE "CREOLE."

*Mr. Webster to Lord Ashburton.*

DEPARTMENT OF STATE, }  
Washington, August 1, 1841. }

MY LORD: The President has learned with much regret that you are not empowered by your Government to enter into a formal stipulation for the better security of vessels of the United States, when meeting with disasters in passing between the United States and the Bahama Islands, and driven, by such disasters, into British ports. This is a subject which is deemed to be of great importance, and which cannot, on the present occasion, be overlooked.

Your lordship is aware that several cases have occurred within the last few years, which have caused much complaint. In some of these cases compensation has been made by the English Government for the interference of the local authorities with American vessels having slaves on board, by which interference these slaves were set free. In other cases, such

compensation has been refused. It appears to the President to be for the interest of both countries, that the recurrence of similar cases in future should be prevented as far as possible.

Your lordship has been acquainted with the case of the "Creole," a vessel carried into the port of Nassau last winter by persons who had risen upon the lawful authority of the vessel, and, in the accomplishment of their purpose, had committed murder on a person on board.

The opinions which that occurrence gave occasion for this Government to express in regard to the rights and duties of friendly and civilized maritime States, placed by Providence near to each other, were well considered, and are entertained with entire confidence. The facts in the particular case of the "Creole" are controverted; positive and officious interference by the colonial authorities to set the slaves free being alleged on one side, and denied on the other.

It is not my purpose to discuss the difference of opinion as to the evidence in this case, as it at present exists, because the rights of individuals having rendered necessary a more thorough and a judicial investigation of facts and circumstances attending the transaction, such investigation is understood to be now in progress, and its result, when known, will render me more able than at this moment to present to the British Government a full and accurate view of the whole case. But it is my purpose, and my duty, to invite your lordship's attention to the general subject, and your serious consideration of some practical means of giving security to the coasting trade of the United States against unlawful annoyance and interruption along this point of their shore. The Bahama islands approach the coast of Florida within a few leagues, and, with the coast, form a long and narrow channel, filled with innumerable small islands and banks of sand, and the navigation is difficult and dangerous, not only on these accounts, but from the violence of the winds and the variable nature of the currents. Accidents are of course frequent, and necessity compels vessels of the United States in attempting to double Cape Florida, to seek shelter in the ports of these islands. Along this passage the Atlantic States hold intercourse with the States on the Gulf and the Mississippi, and through it the products of the valley of that river, (a region of vast extent and boundless fertility,) find a main outlet to the sea, in their destination to the markets of the world.

No particular ground of complaint exists as to the treatment which American vessels usually receive in these ports, unless they happen to have slaves on board; but in cases of that kind, complaints have been made, as already stated, of officious interference of the colonial authorities with the vessel, for the purpose of changing the condition in which these persons are, by the laws of their own country, and of setting them free.

In the Southern States of this Union slavery exists by the laws of the States and under the guarantee of the Constitution of the United States; and it has existed in them from a period long antecedent to the time when they ceased to be British colonies. In this state of things, it will happen that slaves will be often on board coasting vessels as hands, as servants attending the families of their owners, or for the purpose of being carried



from port to port. For the security of the rights of their citizens, when vessels, having persons of this description on board, are driven by stress of weather, or carried by unlawful force, into British ports, the United States propose the introduction of no new principle into the law of nations. They require only a faithful and exact observance of the injunctions of that code as understood and practiced in modern times.

Your lordship observes that I have spoken only of American vessels driven into British ports by the disasters of the seas, or carried in by unlawful force. I confine my remarks to these cases, because they are the common cases, and because they are the cases which the law of nations most emphatically exempts from interference. The maritime law is full of instances of the application of that great and practical rule, which declares, that that which is the clear result of necessity ought to draw after it no penalty and no hazard. If a ship be driven by stress of weather into a prohibited port, or into an open port, with prohibited articles on board, in neither case is any forfeiture incurred. And what may be considered a still stronger case, it has been decided by eminent English authority, and that decision has received general approbation, that if a vessel be driven, by necessity, into a port strictly blockaded, this necessity is good defence, and exempts her from penalty.

A vessel on the high seas, beyond the distance of a marine league from the shore, is regarded as part of the territory of the nation to which she belongs, and subjected exclusively to the jurisdiction of that nation. If, against the will of her master, or owner, she be driven or carried nearer to the land, or even into port, those who have, or ought to have, control over her struggling all the while to keep her on the high seas, and so within the exclusive jurisdiction of her own Government, what reason or justice is there in creating a distinction between her rights and immunities, in a position thus the result of absolute necessity, and the same rights and immunities before superior power had forced her out of her voluntary course?

But, my lord, the rule of law, and the comity and practice of nations, go much further than these cases of necessity, and allow even to a merchant vessel coming into any open port of another country voluntarily, for the purposes of lawful trade, to bring with her, and keep over her, to a very considerable extent, the jurisdiction and authority of the laws of her own country.

A ship, say the publicists, though at anchor in a foreign harbor, preserves its jurisdiction and its laws. It is natural to consider the vessels of a nation as parts of its territory, though at sea, as the state retains its jurisdiction over them; and, according to the commonly received custom, this jurisdiction is preserved over the vessels, even in parts of the sea subject to a foreign dominion.

This is the doctrine of the law of nations, clearly laid down by writers of received authority, and entirely conformable, as it is supposed, with the practices of modern nations.

If a murder be committed on board of an American vessel, by one of the crew upon another, or upon a passenger, or by a passenger on one of the crew or another passenger, while such vessel is lying in a port within

the jurisdiction of a foreign state or sovereignty, the offence is cognizable and punishable by the proper court of the United States, in the same manner as if such offence had been committed on board the vessel on the high seas. The law of England is supposed to be the same.

It is true that the jurisdiction of a nation over a vessel belonging to it, while lying in the port of another, is not necessarily wholly exclusive. We do not so consider or so assert it. For any unlawful acts done by her while thus lying in port, and for all contracts entered into while there, by her master or owners, she and they must doubtless be answerable to the laws of the place. Nor, if her master and crew, while on board in such port, break the peace of the community by the commission of crimes, can exemption be claimed for them. But nevertheless, the law of nations, as I have stated it, and the statutes of Governments founded on that law, as I have referred to them, show that enlightened nations, in modern times, do clearly hold that the jurisdiction and laws of a nation accompany her ships not only over the high seas, but into ports and harbors, or wheresoever else they may be water-borne, for the general purpose of governing and regulating the rights, duties, and obligations of those on board thereof, and that, to the extent of the exercise of this jurisdiction, they are considered as parts of the territory of the nation herself.

If a vessel be driven by weather into the ports of another nation, it would hardly be alleged by any one, that, by the mere force of such arrival within the waters of the State, the law of that State would so attach to the vessel as to affect existing rights of property between persons on board, whether arising from contract or otherwise. The local law would not operate to make the goods of one man to become the goods of another man. Nor ought it to affect their personal obligations, or existing relations between themselves; nor was it ever supposed to have such effect, until the delicate and exciting question which has caused these interferences in the British islands arose. The local law in these cases dissolves no obligations or relations lawfully entered into or lawfully existing, according to the laws of the ship's country. If it did, intercourse of civilized men between nation and nation must cease. Marriages are frequently celebrated in one country in a manner not lawful or valid in another; but did any body ever doubt that marriages are valid all over the civilized world, if valid in the country in which they took place? Did any one ever imagine that local law acted upon such marriages to annihilate their obligation, if the parties should visit a country in which marriages must be celebrated in another form?

It may be said that, in such instances, personal relations are founded in contract, and therefore to be respected; but that the relation of master and slave is not founded in contract, and therefore is to be respected only by the law of the place which recognizes it. Whoever so reasons, encounters the authority of the whole body of public law, from Grotius down; because there are numerous instances in which the law itself presumes or implies contracts; and prominent among these instances is the very relation which we are now considering, and which relation is holden by law to draw after it mutuality of obligation.

Is not the relation between a father and his minor children acknowledged, when they go abroad? And on what contract is this founded, but a contract raised by general principles of law, from the relation of the parties?

Your Lordship will please bear in mind, that the proposition which I am endeavoring to support is, that by the comity of the law of nations, and the practice of modern times, merchant vessels, entering open ports of other nations, for the purpose of trade, are presumed to be allowed to bring with them, and to retain, for their protection and government, the jurisdiction and laws of their own country. All this, I repeat, is presumed to be allowed; because the ports are open, because trade is invited, and because, under these circumstances, such permission or allowance is according to general usage. It is not denied that all this may be refused; and this suggests a distinction, the disregard of which may perhaps account for most of the difficulties arising in cases of this sort; that is to say, the distinction, between what a state may do if it pleases, and what it is presumed to do, or not to do, in the absence of any positive declaration of its will. A state might declare that all foreign marriages should be regarded as null and void, within its territory; that a foreign father, arriving with an infant son, should no longer have authority or control over him; that, on the arrival of a foreign vessel in its ports, all shipping articles and all indentures of apprenticeship between her crew and her owners or masters, should cease to be binding. These, and many other things equally irrational and absurd, a sovereign state has doubtless the power to do. But they are not to be presumed. It is not to be taken for granted, that it is the will of the sovereign state thus to withdraw itself from the circle of civilized nations. It will be time enough to believe this to be its intention, when it formally announces that intention by appropriate enactments, edicts, or other declarations. In regard to slavery within the British territories, there is a well known and clear promulgation of the will of the sovereign authority; that is to say, there is a well known rule of her law. As to England herself, that law has long existed; and recent acts of Parliament established the same law for the colonies. The usual mode of stating the rule of English law is, that no sooner does a slave reach the shore of England, than he is free. This is true; but it means no more than that, when a slave comes within the exclusive jurisdiction of England, he ceases to be a slave, because the law of England positively and notoriously prohibits and forbids the existence of such a relation between man and man. But it does not mean that English authorities, with this rule of English law in their hands, may enter where the jurisdiction of another nation is acknowledged to exist, and there destroy rights, obligations, and interests, lawfully existing under the authority of such other nation. No such construction, and no such effect, can be rightfully given to the British law. It is true, that it is competent for the British Parliament, by express statute provision, to declare that no foreign jurisdiction of any kind should exist, in or over a vessel, after its arrival voluntarily in her ports. And so she might close all her ports to the ships of all nations. A state may also declare, in the absence of treaty stipulations, that foreigners shall not sue in her courts, nor

travel in her territories, nor carry away funds or goods received for debts. We need not inquire what would be the condition of a country that should establish such laws, nor in what relation they would leave her towards the states of the civilized world. Her power to make such laws is unquestionable; but, in the absence of direct and positive enactments to that effect, the presumption is that the opposites of these things exist. While her ports are open to foreign trade, it is to be presumed that she expects foreign ships to enter them, bringing with them the jurisdiction of their own government, and the protection of its laws, to the same extent that her ships, and the ships of other commercial states, carry with them the jurisdiction of their respective governments into the open ports of the world; just as it is presumed, while the contrary is not avowed, that strangers may travel in a civilized country in a time of peace, sue in its courts, and bring away their property.

A merchant vessel enters the port of a friendly state, and enjoys while there the protection of her own laws, and is under the jurisdiction of her own government, not in derogation of the sovereignty of the place, but by the presumed allowance or permission of that sovereignty. This permission or allowance is founded on the comity of nations, like the other cases which have been mentioned; and this comity is part, and a most important and valuable part, of the law of nations, to which all nations are presumed to assent, until they make their dissent known. In the silence of any positive rule, affirming or denying or restraining the operations of foreign laws, their tacit adoption is presumed, to the usual extent. It is upon this ground that courts of law expound contracts according to the law of the place in which they are made; and instances almost innumerable exist, in which, by the general practice of civilized countries, the laws of one will be recognized and often executed by another. This is the comity of nations; and it is upon this, as its solid basis, that the intercourse of civilized states is maintained.

But while that which has now been said is understood to be the voluntary and adopted law of nations, in cases of the voluntary entry of merchant vessels into the ports of other countries, it is nevertheless true, that vessels in such ports, only through an overruling necessity, may place their claim for exemption from interference on still higher principles; that is to say, principles held in more sacred regard by the comity, the courtesy, and indeed the common sense of justice of all civilized states.

Even in regard to cases of necessity, however, there are things of an unfriendly and offensive character, which yet it may not be easy to say that a nation might not do. For example, a nation might declare her will to be, and make it the law of her dominions, that foreign vessels cast away on her shores, should be lost to her owners, and subject to the ancient law of wreck. Or a neutral state, while shutting her ports to the armed vessels of belligerents, as she has a right to do, might resolve on seizing and confiscating vessels of that description, which should be driven to take shelter in her harbors by the violence of the storms of the ocean. But laws of this character, within the absolute competence of government, could only be passed, if passed at all, under willingness to meet the last responsibility to which nations are subject.



The presumption is stronger, therefore, in regard to vessels driven into foreign ports by necessity, and seeking only temporary refuge, than in regard to those which enter them voluntarily, and for purposes of trade, that they will not be interfered with; and that, unless they commit, while in port, some act against the laws of the place, they will be permitted to receive supplies, to repair damages, and to depart unmolested.

If, therefore, vessels of the United States, pursuing lawful voyages, from port to port, along their own shore, are driven by stress of weather, or carried by unlawful force, into English ports, the Government of the United States cannot consent that the local authorities in those parts shall take advantage of such misfortunes, and enter them, for the purpose of interfering with the condition of persons or things on board, as established by their own laws. If slaves, the property of citizens of the United States, escape into the British territories, it is not expected that they will be restored. In that case, the territorial jurisdiction of England will have become exclusive over them, and must decide their condition. But slaves on board of American vessels, lying in British waters, are not within the exclusive jurisdiction of England; or under the exclusive operation of English law; and this founds the broad distinction between the cases. If persons, guilty of crimes in the United States, seek an asylum in the British dominions, they will not be demanded, until provision for such cases be made by treaty; because the giving up of criminals, fugitive from justice, is agreed and understood to be a matter in which every nation regulates its conduct according to its own discretion. It is no breach of comity to refuse such surrender.

On the other hand, vessels of the United States, driven by necessity into British ports, and staying there no longer than such necessity exists, violating no law, nor having intent to violate any law, will claim, and there will be claimed for them, protection and security, freedom from molestation, and from all interference with the character or condition of persons or things on board. In the opinion of the Government of the United States, such vessels, so driven and so detained by necessity in a friendly port, ought to be regarded as still pursuing their original voyage, and turned out of their direct course only by disaster, or by wrongful violence; they ought to receive all assistance necessary to enable them to resume that direct course; and interference and molestation by local authorities, where the whole voyage is lawful, both in act and intent, is ground for just and grave complaint.

Your lordship's discernment and large experience in affairs cannot fail to suggest to you how important it is, to merchants and navigators engaged in the coasting trade of a country so large in extent as the United States, that they should feel secure against all but the ordinary causes of maritime loss. The possessions of the two Governments closely approach each other. This proximity, which ought to make us friends and good neighbors, may, without proper care and regulation, itself prove a ceaseless cause of vexation, irritation, and disquiet.

If your lordship has no authority to enter into a stipulation by treaty for the prevention of such occurrences hereafter, as have already happened, occurrences so likely to disturb that peace between the two countries

which it is the object of your lordship's mission to establish and confirm, you may still be so far acquainted with the sentiments of your Government, as to be able to engage that instructions shall be given to the local authorities in the islands, which shall lead them to regulate their conduct in conformity with the rights of citizens of the United States, and the just expectations of their Government, and in such manner as shall, in future, take away all reasonable ground of complaint. It would be with the most profound regret that the President should see that, whilst it is now hoped so many other subjects of difference may be harmoniously adjusted, nothing should be done in regard to this dangerous source of future collisions.

I avail myself of this occasion to renew to your lordship the assurances of my distinguished consideration.

DANIEL WEBSTER.

*Lord Ashburton, &c. &c.*

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*Lord Ashburton to Mr. Webster.*

WASHINGTON, August 6, 1842.

SIR: You may be well assured that I am duly sensible of the great importance of the subject to which you call my attention, in the note which you did me the honor of addressing me on the 1st instant, in which you inform me that the President had been pleased to express his regret that I was not empowered by my Government to enter into a formal stipulation for the better security of vessels of the United States, when meeting with disasters in passing between the United States and the Bahama Islands, and driven by such disasters into British ports.

It is, I believe, unnecessary that I should tell you that the case of the Creole was known in London a few days only before my departure. No complaint had at that time been made by Mr. Everett. The subject was not therefore among those which it was the immediate object of my mission to discuss. But, at the same time, I must admit that, from the moment I was acquainted with the facts of this case, I was sensible of all its importance, and I should not think myself without power to consider of some adjustment of, and remedy for, a great acknowledged difficulty, if I could see my way clearly to any satisfactory course, and if I had not arrived at the conclusion, after very anxious consideration, that, for the reasons which I will state, this question had better be treated in London, where it will have a much increased chance of settlement, on terms likely to satisfy the interests of the United States.

The immediate case of the Creole would be easily disposed of; but it involves a class and description of cases which, for the purpose of affording that security you seek for the trade of America through the Bahama channel, brings into consideration questions of law, both national and international, of the highest importance; and, to increase the delicacy and difficulty of the subject, public feeling is sensitively alive to every thing connected with it. These circumstances bring me to the conviction that, although I really believe that much may be done to meet the wishes of

your Government, the means of doing so would be best considered in London, where immediate reference may be had to the highest authorities, on every point of delicacy and difficulty that may arise. Whatever I might attempt would be more or less under the disadvantage of being fettered by apprehensions of responsibility, and I might thereby be kept within limits which my Government at home might disregard. In other words, I believe you would have a better chance in this settlement with them than with me. I state this after some imperfect endeavors, by correspondence, to come at satisfactory explanations. If I were in this instance treating of ordinary material interests, I should proceed with more confidence; but anxious as I unfeignedly am that all questions likely to disturb the future good understanding between us should be averted, I strongly recommend this question of the security of the Bahama channel being referred for discussion in London.

This opinion is more decidedly confirmed by your very elaborate and important argument on the application of the general principles of the law of nations to these subjects, an argument to which your authority necessarily gives great weight, but in which I would not presume to follow you with my own imperfect means. Great Britain and the United States, covering all the seas of the world with their commerce, have the greatest possible interest in maintaining sound and pure principles of international law, as well as the practice of reciprocal aid and good offices in all their harbors and possessions. With respect to the latter, it is satisfactory to know that the disposition of the respective Governments and people leaves little to be desired, with the single exception of those delicate and perplexing questions which have recently arisen from the state of slavery; and even these seem confined, and likely to continue to be confined, to the narrow passage of the Bahama channel. At no other part of the British possessions are American vessels with slaves ever likely to touch, nor are they likely to touch there otherwise than from the pressure of very urgent necessity. The difficulty, therefore, as well as the desired remedy, is apparently confined within narrow limits.

Upon the great general principles affecting this case we do not differ. You admit that if slaves, the property of American citizens, escape into British territories, it is not expected that they will be restored; and you may be well assured that there is no wish on our part that they should reach our shores, or that British possessions should be used as decoys for the violators of the laws of a friendly neighbor.

When these slaves do reach us, by whatever means, there is no alternative. The present state of British law is in this respect too well known to require repetition, nor need I remind you that it is exactly the same with the laws of every part of the United States where a state of slavery is not recognized; and that the slaves put on shore at Nassau would be dealt with exactly as would a foreign slave landed under any circumstances whatever at Boston.

But what constitutes the being within British dominion, from which these consequences are to follow? Is a vessel passing through the Bahama channel and forced involuntarily, either from storm or mutiny, into British waters, to be so considered? What power have the authorities

of those islands to take cognizance of persons or property in such vessels? These are questions which you, sir, have discussed at great length, and with evident ability. Although you have advanced some propositions which rather surprise and startle me, I do not pretend to judge of them: but what is very clear is, that great principles are involved in a discussion which it would ill become me lightly to enter upon; and I am confirmed by this consideration in wishing that the subject be referred to where it will be perfectly weighed and examined.

It behooves the authorities of our two Governments well to guard themselves against establishing by their diplomatic intercourse false precedents and principles, and that they do not, for the purpose of meeting a passing difficulty, set examples which may hereafter mislead the world.

It is not intended on this occasion to consider in detail the particular instances which have given rise to these discussions. They have already been stated and explained. Our object is rather to look to the means of future prevention of such occurrences. That this may be obtained I have little doubt, although we may not be able immediately to agree on the precise stipulations of a treaty. On the part of Great Britain, there are certain great principles too deeply rooted in the consciences and sympathies of the people for any minister to be able to overlook; and any engagement I might make in opposition to them would be instantly disavowed; but at the same time that we maintain our own laws within our own territories, we are bound to respect those of our neighbors, and to listen to every possible suggestion of means of averting from them every annoyance and injury. I have great confidence that this may be effectually done in the present instance; but the case to be met and remedied is new, and must not be too hastily dealt with. You may, however, be assured that measures so important for the preservation of friendly intercourse between the two countries shall not be neglected.

In the mean time, I can engage that instructions shall be given to the Governors of Her Majesty's colonies on the southern borders of the United States, to execute their own laws with careful attention to the wish of their Government to maintain good neighborhood, and that there shall be no officious interference with American vessels driven by accident or by violence into those ports. The laws and duties of hospitality shall be executed, and these seem neither to require nor to justify any further inquiry into the state of persons or things on board of vessels so situated, than may be indispensable to enforce the observance of the municipal law of the colony and the proper regulation of its harbors and waters.

A strict and careful attention to these rules, applied in good faith to all transactions as they arise, will, I hope and believe, without any abandonment of great general principles, lead to the avoidance of any excitement or agitation on this very sensitive subject of slavery, and, consequently, of those irritating feelings which may have a tendency to bring into peril all the great interests connected with the maintenance of peace.

I further trust that friendly sentiments and a conviction of the importance of cherishing them, will, on all occasions, lead the two countries to consider favorably any further arrangements which may be judged necessary for the reciprocal protection of their interests.



I hope, sir, that this explanation on this very important subject will be satisfactory to the President, and that he will see in it no diminution of that earnest desire, which you have been pleased to recognize in me, to perform my work of reconciliation and friendship; but that he will rather perceive in my suggestion, in this particular instance, that it is made with a well-founded hope of thereby better obtaining the object we have in view.

I beg leave to renew to you, sir, the assurance of my high consideration.

ASHBURTON.

*Hon. Daniel Webster, &c. &c.*

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*Mr. Webster to Lord Ashburton.*

DEPARTMENT OF STATE, }  
Washington, Aug. 8, 1842. }

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 6th instant, in answer to mine of the 1st, upon the subject of a stipulation for the better security of American vessels driven by accident or carried by force into the British West India ports.

The President would have been gratified if you had felt yourself at liberty to proceed at once to consider some proper arrangement, by formal treaty, for this object; but there may be weight in the reasons which you urge for referring such mode of stipulation for consideration to London.

The President places his reliance on those principles of public law which were stated in my note to your lordship, and which are regarded as equally well founded and important, and on your lordship's engagements, that instructions shall be given to the Governors of Her Majesty's colonies to execute their own laws with careful attention to the wish of their Government to maintain good neighborhood; and that there shall be no officious interference with American vessels driven by accident or by violence into those ports—that the laws and duties of hospitality shall be executed, and that these seem neither to require nor to justify any further inquisition into the state of persons or things on board of vessels so situated, than may be indispensable to enforce the observance of the municipal law of the colony, and the proper regulation of its harbors and waters. He indulges the hope, nevertheless, that, actuated by a just sense of what is due to the mutual interests of the two countries, and the maintenance of a permanent peace between them, Her Majesty's Government will not fail to see the importance of removing, by such further stipulations, by treaty or otherwise, as may be found to be necessary, all cause of complaint connected with this subject.

I have the honor to be, with high consideration, your lordship's obedient servant,

DANIEL WEBSTER.

*To Lord Ashburton, &c. &c.*

## EXTRADITION AND SUPPRESSION OF THE SLAVE TRADE.

*Lord Ashburton to Mr. Webster.*

WASHINGTON, Aug. 9, 1842.

SIR: By the third article of the convention which I have this day signed with you, there is an agreement for the reciprocal delivery in certain cases of criminals from justice, but it becomes necessary that I should apprise you that this article can have no legal effect within the dominions of Great Britain, until confirmed by act of Parliament. It is possible that Parliament may not be in session before the exchange of the ratification of the convention, but its sanction shall be asked at the earliest possible period, and no doubt can be entertained that it will be given. In her Majesty's territories in Canada, where cases for acting under this convention are likely to be of more frequent occurrence, the Governor-General has sufficient power under the authority of local legislation, and the convention will there be acted upon so soon as its ratification shall be known; but it becomes my duty to inform you of the short delay which may possibly intervene in giving full effect to it where the confirmation by Parliament becomes necessary for its execution.

I beg, sir, to renew to you the assurance of my high consideration.

ASHBURTON.

HON. DANIEL WEBSTER, &amp;c. &amp;c.

*Mr. Paine to Mr. Webster.*

WASHINGTON, May 2, 1842.

SIR: The agreement between Commander William Tucker, of the British Navy, and myself, is so connected with numerous instructions respecting proceedings on the coast of Africa, that I should furnish a copy of all if the object were to justify myself; but as the wish of the State Department seems to be to ascertain the nature of the agreement itself, and the action of myself thereon, and as I wish to forward this view promptly, I shall restrict myself to these points, commencing with the agreement, of which the following is a copy:

"Commander William Tucker, of Her Britannic Majesty's sloop *Wolverine*, and senior officer on the west coast of Africa, and Lieutenant John S. Paine, commanding the United States schooner *Grampus*, in order to carry into execution, as far as possible, the orders and views of their respective Governments respecting the suppression of the slave trade, hereby request each other and agree to detain all vessels under American colors found to be fully equipped for, and engaged in the slave trade; that if proved to be American property, they shall be handed over to the United States schooner *Grampus*, or any other American cruiser, and that if proved to be Spanish, Portuguese, Brazilian, or English property, to any of Her Britannic Majesty's cruisers employed on the west

coast of Africa for the suppression of the slave trade, so far as their respective laws and treaties will permit."

Signed and exchanged at Sierra Leone, this 11th day of March, 1840.

JOHN S. PAINE,  
Commanding United States schooner *Grampus*.  
WILLIAM TUCKER,  
Commanding Her B. M. sloop *Wolverine*.

The objects of this agreement were mainly —

1st. To meet the very common case with slavers, that of having on board two sets of papers.

2d. To let it be known that there subsisted between the British and American force a good understanding, and a disposition to coöperate for the purpose indicated, as far as possible, without violating existing treaties.

A copy was forwarded by me to the Navy Department, to which I received the following reply:

NAVY DEPARTMENT, June 4, 1840.

SIR: Your letter of 23d March last, with its enclosures, has been received.

The instructions given you, for your government, when you left the United States, while they indicated a friendly coöperation with the commanders of the British cruisers in the suppression of the slave trade on the coast of Africa, as likely to aid in detecting the frauds resorted to by those engaged in it for the purpose of avoiding discovery and escaping punishments, were not intended to authorize any such arrangement as that which it appears you have made with the commander of Her British Majesty's sloop *Wolverine*, and by which you delegated to that officer the right to seize vessels under American colors, and under certain circumstances, to detain them, with the view of turning them over to the *Grampus*, or other United States cruisers.

Such a delegation of power is not only unauthorized by your instructions, but contrary to the established and well known principles and policy of your government, and is therefore not sanctioned by the department.

You will make known the views of the Department on this subject to the commander of the *Wolverine*, and inform him that the arrangement made with him, having been disapproved by your Government, cannot on your part be complied with; the great object of the coöperation being to obviate the difficulties of capture, growing out of assuming Portuguese, English, Spanish, or Brazilian colors, when overhauled by an American, or American colors, when overhauled by a British cruiser.

For this purpose, you are authorized to cruise in company and in co-operation with any British vessel of war employed on the slave coast, in the pursuit of objects similar to your own.

I am, respectfully, your obedient servant,

J. K. PAULDING.

*Lieutenant John S. Paine, commanding U. S. schooner Grampus,  
Sierra Leone, Coast of Africa.*

[Notice of the disapproval of the above agreement by the Secretary of the Navy was communicated by Lieutenant Commander Paine to the senior officer of the British Navy commanding on the western coast of Africa, in a note dated June 17, 1841, Capt. Tucker not having been fallen in with after the receipt of the Secretary's letter.]

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## M I S C E L L A N Y .

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### VISIT TO THE COAL PITS.

ON one of the days while the British Association was in session at Manchester, a large number of members of the Association, pursuant to an invitation from Lord Francis Egerton, visited the Worsley Tunnel and collieries belonging to the trustees of the late Duke of Bridgewater. At 8 o'clock in the morning special boats were employed on the Duke's canal to convey the visitors, amounting in number to about 300, including a fair sprinkling of ladies.

About 11 o'clock the parties entered the extraordinary tunnels, having been previously furnished with suitable dresses, and the appearance of many of them was ludicrous in the extreme. The tunnels are eight miles in length, nearly extending to the town of Bolton; and, taken together, there is a distance of no less than 37 miles cut out of coal and rock, which is now made subservient to the conveyance of coals in flat-bottomed boats, by being converted into a subterranean canal.

The entrances to the coal-pits are from the sides of the canal, (the latter being about 80 yards below the surface,) and in these awful-looking places no less than about 2,000 human beings are employed, the produce of their labors when in full work being the cutting, gathering, and shipping of about 3,000 tons of coals per week. The excursion was any thing but pleasant, as the parties were kept in the bowels of the earth for nearly seven hours in a close atmosphere, having nothing to observe but arched brick-work and rugged rock, the conductors reminding them every now and then of the necessity of keeping their candles down for "fear of the brimstone," with which sulphurous material they stated some parts of the mines abound. There were altogether a dozen boats, about six feet in width, heavily laden with male and female visitors, and the tunnels not being more than two feet wider than the boats, they could not pass each other, and the consequence was that the company were detained most disagreeably at the will of those very curious geologists, determined upon ascertaining, if possible, the strata of the mines, and every thing else of little consequence connected with



them. Clothes baskets full of bread and cheese and barrels of ale were in plentiful supply from the sides of the pits, and eagerly devoured by the occupants of the boats, many of whom went without breakfast in the anticipation that their coal-pit exploration would not occupy their time longer than half an hour. Four of the boats had not returned at seven o'clock this evening to Worsley. An immense number of young persons appeared to be employed in these collieries, many of them females, (girls from 12 to 15 years of age.) The females wore trousers, and there was considerable difficulty in distinguishing them from the boys. The compartments in which many of them work are so small that they cannot stand upright in them.

Lord F. Egerton and his lady have established schools in the neighborhood for their instruction. Mr. F. Smith, Mr. Denby, and Mr. R. Leigh, jun., the agents of the Bridgewater estate, were very kind in furnishing the members of the association with every information.

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HAND LOCOMOTIVE CARRIAGE.

A most interesting and satisfactory trial was made a few days since of a novel self-moving carriage, very neatly fitted up and propelled by two persons upon a good line of road, in the neighborhood of Holywell, to the delight and amusement of a number of respectable individuals, who had assembled to witness the experiment as announced by the inventor, a medical gentleman of that town. It ascended a hill, of no inconsiderable elevation, at the rate of about six miles an hour, evidently without fatigue to those who worked the machine, and persons on foot could not keep up with it. On the level it attained a speed of about eight or nine miles an hour; and, in returning upon the declivity, it shot forth, like a small steam engine, at the rate of about fifteen miles per hour, and was in a few moments out of sight. Hitherto, these machines have been incapable of ascending hills, or the slightest acclivities, from the great labor required in their propulsion, and, always being on three wheels, are extremely liable to upset, and consequently dangerous; but it would require more than an ordinary accident to upset the one alluded to. It is therefore perfectly safe, and its motion remarkably easy, being fitted up on a number of light elliptic springs. Its velocity down hill is instantly checked by a very simple and efficacious plan: thus the carriage is perfectly under the control of the worker or engineer. Its progress is materially aided by the wind acting on a swivelling sail, by which its propulsion is much assisted, and the labor rendered most trivial. It appears to be admirably calculated for the recreation and health of young ladies and gentlemen as a salutary source of exercise, for which purpose it appears to be intended by the inventor, especially for schools and families with extensive parks and grounds. — *London Times*.



Years ended Jan. 5.	1840.	1841.	1842.	Years ended Jan. 5.	1840.	1841.	1842.
Prince of Coburg, (now King of the Belgians)*	£ 308,000	£ 323,928	£ 318,000	Army and Ordnance, Insurrection in Canada	£ 647,000	£ 553,219	£ 117,153
The Lord Lieutenant of Ireland's Establishment	35,163	32,359	32,465	China Expedition Bounties, &c., for promoting Fisheries	14,553	14,607	13,604
The Salaries and Expenses of the Houses of Parliament (including Printing)	139,358	122,410	122,717	Public Works	321,702	351,837	356,424
Civil Departments, including Superannuation Allowances	411,783	518,940	498,551	Payments out of the Revenue of Crown Lands, for Improvements and various Public Services	146,466	244,711	213,315
Other Annuities, Pensions, & Superannuation Allowances on Consolidated Fund and on the Gross Revenue	367,033	349,397	319,299	Post-Office: Charges of Collection & other Payments	746,879	648,368	931,372
Pensions, Civil List	1,546	2,743	4,022	Quarantine and Warehousing Establishments	118,594	119,477	121,326
				Miscellaneous Services not classed under the foregoing heads	1,767,010	1,410,840	1,802,378
Total Civil Government	1,634,683	1,721,577	1,666,854		53,440,287	53,444,033	54,465,318
JUSTICE.				ROME, August 25. IRON STEAMERS ON THE TIBER. The three steamers built in England for the Papal Government have, at last, reached this capital. They have already given proofs of the solidity of their construction, having, in the space of a few hours, towed three vessels, heavily laden, from the mouth of the Tiber to Rome. The banks of the river were lined with an immense crowd of people, curious to witness a spectacle so novel to them. Cardinal Fosti, the Pope's treasurer, and several other prelates, were present at the arrival of the steamers. Notwithstanding the shallowness of the water, the windings of the river, and the sand-banks which frequently obstruct its bed, the steamers ascended, in four hours, a distance which generally required nearly as many days.			
Courts of Justice	525,501	534,945	533,761				
Police and Criminal Prosecutions	510,201	577,363	571,805				
Correction	403,274	285,295	497,060				
Total Justice	1,438,976	1,397,603	1,602,626				
DIPLOMATIC.							
Foreign Ministers' Salaries and Pensions	186,934	168,765	185,770				
Consuls' Salaries and Superannuation Allowances	115,929	124,782	128,890				
Disbursements, Outfit	48,100	51,998	36,671				
Total Diplomatic	350,963	365,545	351,331				
FORCES.				LONDON, September 1. THE LATE FIRE AT HAMBURG. The committee appointed to receive subscriptions for the relief of sufferers from the fire at Hamburg, have just published their report, by which it appears that the whole sum which has passed through their hands is £27,568, besides contributions made in different parts of the country, amounting to about £13,000, exclusive of clothing and other articles; and that the total amount received by the committee at Hamburg from all countries, up to the 5th of July, is £268,590. Great as these contributions are, the committee remark, while expressing their gratitude, that but little assistance has as yet been afforded in comparison with the damage done.			
Army.							
Effective; Charge	3,952,881	4,400,595	3,971,425				
Non-Effective; Charge	2,589,781	2,489,672	2,446,996				
Total Army	6,542,662	6,890,267	6,418,421				
Navy:							
Effective; Charge	3,993,225	4,152,666	5,103,358				
Non-Effective; Charge	1,496,979	1,444,845	1,385,716				
Total Navy	5,490,204	5,597,511	6,489,074				
Ordnance:							
Effective; Charge	1,790,464	1,474,577	1,655,393				
Non-Effective; Charge	160,746	157,063	159,739				
Total Ordnance	1,951,210	1,631,640	1,815,132				
Total Forces	13,984,076	14,119,418	14,722,627				

\* No part of this income is at present paid for the use of King Leopold. The Trustees, after discharging certain Annuities and Pensions to the Servants and Establishment of the late Princess Charlotte, repay the Balance of the Annuity to the Exchequer. The sum so repaid in the last year was £35,000.

G. CLARK.

Whitehall Treasury Chambers, 6th June, 1842.

LONDON, Sept. 5. BRITISH BANK

**CIRCULATION.** The following statement shows the comparative circulation of the present and the last year at this period.

The increase which has taken place in the circulation of the Bank of England, has been occasioned, to a great extent, by the amalgamation of several private banks and joint stocks within the last twelve months into the capacity of agents for the Bank parlor, and their ceasing as such to issue any thing except Bank of England paper. The decrease in the circulation of the private and joint-stock banks is partly accounted for by the same cause, but chiefly by the general stagnation of trade. With a constant glut of money in London, there is still little evidence of a greater supply of bills.

The circulation of the United Kingdom last year, as compared with its present state, is as follows:

	1842. Aug. 20. £	1841. Aug. 20. £	In- crease. £	De- crease. £
Bank of England,	20,351,000	17,928,000	2,423,000	
Private banks,	5,150,028	5,844,000		689,372
Joint stock banks,	2,823,000	3,215,253		392,253
Chartered, private, & joint stock banks in Scotland,	2,674,535	3,074,303		399,558
Bank of Ireland,	2,831,750	2,950,575		119,125
Irish private and joint st'k,	1,632,617	1,868,361		235,744
Bullion in the bank,	9,570,000	4,801,000	4,769,000	
Gross circulation,	35,463,920	34,881,182	582,738	

The result is, that notwithstanding the increase of £2,423,000 on the part of the Bank of England, and of £4,769,000 of addition to the store of bullion, the decrease of the notes in issue by the joint-stock and private banks, has counterbalanced it insomuch that the whole currency of the United Kingdom is now only £582,738 greater than it was in August, 1841.

**LONDON, Sept. 6. SPANISH BANK.** The following plan is officially published, of a bank to be established with British capital:

Art. 1. That the bank is to be under the immediate protection of the Spanish nation; to be endowed with particular and exclusive privileges; and to form a corporation with complete liberty of action under all circumstances; so that whatever may be the political relations

of Spain and Great Britain, the funds, the privileges, and acts be secured and continued, even in case of war between the two countries.

Art. 2. That the Spanish government bind itself to afford its protection and support to this establishment; that the Spanish government secure by law the admission of the bills of exchange and promissory notes of this bank in the payment of all taxes, contributions, and other fiscal imposts, so long as these bills of exchange and promissory notes are regularly paid in the current coin of the country.

Art. 3. That the bills of exchange and promissory notes of this bank be made by law payable in the money of the country.

Art. 4. That the proposal for the establishment of this bank having been first made by an Englishman, in relation with the Spanish government, it is hoped that government will zealously coöperate in the attainment of the object proposed.

Art. 5. That the bank is to be an incorporated company, whose chief and central establishment is to be at Seville, or other place agreed upon, under the name of the "Anglo-Spanish Bank of the South of Spain;" its privileges to be extended according to its own wants, and those of the community for which it has been established. The bank, if thought necessary, to have offices or branches in London and Madrid, for the better despatch of its business.

Art. 6. The number of shares in this bank to be twenty thousand, of £100 sterling each.

Art. 7. Any number of shares demanded by Spaniards to be given to them; but it is expected that they will take a portion, not less than a fifth of the whole.

Art. 8. In drawing up regulations for the management or working of the bank, much importance should be given to the local junta, or committee, to be formed in Spain, by whose advice and information the committee in London may act and give instructions. In consequence of the greater experience in banking affairs in England, the opinion of the committee there should serve as a guide for the direction of that in Spain.

Art. 9. The responsibility of the debts and obligations of the company to be limited to the amount of the shares in clear and express terms.

Art. 10. *Exclusive Privileges.* These to consist in the power of issuing bank notes of five dollars value and upwards, and



bills of exchange, payable on sight, or in twenty-one days. All other banks and private individuals to be prevented from issuing notes and bills of this description, within the limits of district defined in the charter of the new bank.

Art. 11. The bank to have no restriction whatever in its operations; that is to say, to have the power of receiving in guarantee all kinds of value and merchandise, or representative of capital, as funded debt, specie, precious metals in bar, bills of exchange, and promissory notes, securities upon loans, &c.; and also the right of disposing of these guarantees or pledges.

Art. 12. The bank to be prohibited by law from taking more than six per cent. interest, and permitted to take any rate under this amount.

LONDON, September 7. LAUNCH OF TWO SHIPS OF WAR. On Monday afternoon, her Majesty's ship *Superb*, of 80 guns, was launched from the Royal Dockyard at Pembroke. The *Superb* is a sister ship to the *Collingwood*, of 80 guns, launched from Pembroke Dockyard about a year ago, and, like the latter, has been constructed on the Symonion plan. The following are the dimensions of the *Superb*:

	Feet	Inches
Extreme length,	190	0
Length of keel for tonnage,	153	6
Breadth for tonnage,	56	3
Breadth moulded,	55	6
Depth in hold,	23	4

Burthen in tons, 2,583 38 94.

Yesterday, the *Albion*, of 90 guns, was launched from the Dockyard, Devonport. She is one of the largest two-decked ships ever built, and, if the expectations formed of her sailing should be realized, she will be a valuable addition to the naval force of the nation. She is to carry thirty-two 68-pounders on her lower deck, and will throw a broadside of 2,016 lbs. of metal. The following are the dimensions and armament of the *Albion*:

	Feet	Inches
Extreme length from figure-head to taffrail,	243	1
Length of the gun-deck,	204	0
Extreme breadth,	60	2 $\frac{1}{4}$
Height of figure-head above under part of keel,	52	11
Height of taffrail,	55	8
Depth in hold,	23	8
Burthen,	3,110 $\frac{1}{2}$	tons.
Weight when launched,	2,400	
Weight when equipped for		

40\*

sea, with three months' complete stores,

4,230

No.

Armament, } Lower deck, 68-p. 32  
Upper deck, 32-p. 32  
Q. deck & fore-castle, 32-p. 26

Weight of broadside of shot in pounds,

2,016

LONDON, September 17. VISIT OF QUEEN VICTORIA TO SCOTLAND. The Queen with the royal party who accompanied her to Scotland returned to-day, and after landing at Woolwich proceeded by the Great Western Railway to Windsor Castle. The Queen set out on this excursion on Monday morning, August 29. She left Windsor at an early hour, and after proceeding by railway to London, she was conducted directly to Woolwich, where she embarked on board the yacht *Royal George*. Before 7 o'clock the cannon of the Dockyard Battery, announcing the Queen's approach, surprised in their beds many of her loving subjects, who had intended to be spectators of the embarkation. The morning was wet and hazy, yet there was no delay, and another discharge of artillery soon announced that the sovereign was on board the ship. The *Royal George* was taken in tow by the steamer *Monkey*, and accompanied by a flotilla of government steamers, the *Black Eagle*, *Rhadamanthus*, *Shearwater*, *Fearless*, *Trinity*, and *Trident*, proceeded slowly down the river. The Queen and Prince Albert were attended by the Earl of Delaware, Lord Chamberlain; the Earl of Liverpool, Lord Steward; the Earl of Jersey, Master of the House; the Earl of Morton, Lord in Waiting; the Duchess of Norfolk, Lady in Waiting; and other personages of her household. The attendants were distributed in the different vessels. The royal yacht was subsequently taken in tow by the more powerful steamers *Black Eagle* and *Shearwater*, when the squadron proceeded at the rate of about seven miles an hour. After reaching the mouth of the Thames, it coasted along the eastern shore of England, within sight of the principal headlands, and was frequently met by the Queen's subjects, in vessels of various forms from the different ports, eager to show their loyalty, and to indulge their curiosity by meeting and cheering her on her voyage. After a pleasant voyage of three days, the royal squadron came to anchor at half-past 1 o'clock on the morning of September 1, in Leith roads, and at 9 o'clock the Queen

landed at Granton pier, in Edinburgh. The Queen was received with every demonstration of respect and attachment in Edinburgh, and every other part of Scotland visited by her. She took her residence first at Dalkeith Castle, the seat of the Duke of Buccleugh. On the 5th she set out on a tour to the highlands, making a visit by the way to the Earl of Kinnoul at Duplin Castle, on the 6th passed through Perth to the palace at Scone, and on the following day to Taymouth Castle, the seat of the Marquis of Breadalbane. She afterwards made an aquatic excursion on Loch Tay, and afterwards visited Drummond Castle. From this excursion the Queen returned to Edinburgh, whither vast numbers of persons flocked from all parts of Scotland for the purpose of obtaining a sight of her. The Queen and Prince Albert on their return to London were conveyed in the steamer Trident, which proved much more comfortable, from the more agreeable motion, than the yacht. The squadron of steamers came up the Thames on the morning of the 17th, in view of an immense number of spectators, who had been impatiently waiting their approach, and at 10 o'clock arrived at the dockyards. The Queen and Prince Albert were soon conveyed on shore, by the admiralty barge, amidst the cheers of the multitude and the thunder of cannon, and they proceeded directly to the railway station, and thence to Windsor Castle, where they safely arrived after an absence of three weeks.

COLOGNE, September 4. His Majesty the King William IV. of Prussia, with the Queen, after attending divine worship in the Protestant church, joined the grand procession formed by the Building Society for laying the foundation stone of the building for the completion of the cathedral. After mass, the procession drew up in the court of the Cathedral, on the south side of which had been erected, for their Majesties, a pavilion surmounted with foliage. Under Gothic arches formed on both sides were seats for the Royal guests. The foundation-stone lay on the platform or estrade in front of the rows of seats. When the spectators had filled all the seats, the King and Queen advanced from a side gate of the Cathedral, attended by the Princes and officers of their household, and took their seats in the Pavilion. The procession now occupied the interior of the amphitheatral space. The heads of the Building Society, and the clergy, with the

Archbishop of Geissel, moved towards His Majesty at the foundation-stone. When the Archbishop approached it, he turned to the King, and respectfully uncovered his head. The people then gave three loud cheers. After the usual rites of the Catholic church, and the performance of a chant, the King took up the trowel, and spoke in a loud and clear voice, as follows:

"I take this opportunity to welcome heartily the numerous guests who, as members of the Cathedral Building Association, have met here from all parts of Germany to celebrate this day. Gentlemen of Cologne, a great event is about to take place among you. Your feelings will tell you that it is no common edifice you are about to erect. It is the offspring of the spirit of union and concord among Germans of every creed. When I reflect on this, my eyes are filled with joyful tears, and I thank God that I have lived to witness this day. Here, where this foundation-stone is laid, will arise the noblest portals in the whole world. Germany builds them; may they, by the grace of God, be to her the forerunners of a new, a great, and a happy future. Far from them be all that is anti-German; that is to say, all that is base, false, and insincere. May this portal of honor never be disgraced by bad faith, or by the unworthy disunion of German princes or of the German people. May this structure never disturb the peace of creeds, nor impede the progress of social order; and may that spirit which once interrupted the building of this house of God, and injured the well-being of our common fatherland, find no entrance here. The feeling that has prompted the building of these portals is the same that twenty-nine years ago made us break our chains, rolled back insult from our native land, and division from its shores; it is the same spirit which, fortified by the blessing of my departed father, (the last of those three great kings,) two years ago displayed itself with a vigor undiminished in power and unimpaired by time; it is the spirit of German union and of German power; and oh! may the portals of Cologne Cathedral be its most glorious triumph! May the spirit which has given birth to this great work serve to complete it; and may it prove to most remote generations, that Germany is great and mighty by the union of her rulers and her people, and that she has without bloodshed consolidated the peace of the world! May it

attest that Prussia is happy in the glory and prosperity of her own father-land, and in the fraternization of her different religious creeds, all one and alike in the eyes of the Divine Creator. I pray to God that the Cathedral of Cologne may continue to tower above this town and all Germany, and that it may be a witness of peace and happiness among mankind until time shall be no more. Gentlemen of Cologne, your city has by this structure obtained a high preëminence over all the other towns of Germany; she has this day proved herself worthy of that preëminence. Join then with me as I strike the trowel on the foundation-stone. Shout with me the thousand times repeated rallying cry of "*Alaaf Cologne!*"

This speech, spoken with the most lively enthusiasm, kindled like lightning in the hearts of the thousands present, and called forth such an astounding storm of joyful shouts and acclamation, that we are justified in saying, that the history of the world can hardly show a similar meeting between the Prince and his people.

The King, having once more looked joyfully and enthusiastically on the assembled multitude, and on the Cathedral, and the cheering having burst forth afresh, His Majesty struck the usual three blows with the hammer on the foundation stone, and then retired to the Tribune, where he was received by the Queen, in a manner that produced a deep impression on the minds of all present.

KIEL, (Denmark,) Sept. 10. GREAT GERMAN RAILROAD. The Journal of this city contains a convention concluded between Denmark, Prussia, Mecklenburg-Schwerin, and the free Hanse towns of Lubeck and Hamburg, for the purpose of establishing a communication between Berlin and Hamburg, by means of a railroad, of which the following is the substance:

"The governments of Denmark, Prussia, and Mecklenburg-Schwerin, with the free Hanse towns of Lubeck and Hamburg, wishing to establish a communication by means of a railroad between Berlin and Hamburg, on the right bank of the Elbe, have appointed two plenipotentiaries to settle the matter, who have agreed as follows:

The road shall be laid out between Berlin and Bergsdorf in an uninterrupted direction, and as straight as possible, and as local circumstances and the claims of industry admit. Each of the contract-

ing governments shall remain free to determine the special direction of the railroad within its own territory; submitting themselves, however, to the principles above laid down.

LIVERPOOL, September 23. A fire broke out in this town at 3 o'clock in the morning, which proved to be the most destructive fire, by which the town has ever been visited; even more so than the great fire of 1802. It originated in Crompton-street, at the north end of the town, near the docks, and prevailed chiefly on that street, Foundry-street, and Neptune-street, between Great Howard street and Waterloo Road. A number of large warehouses and cotton sheds were destroyed, with a large quantity of cotton, and other merchandise. Among the buildings destroyed were Gray's four warehouses, Taylor's warehouse, Rayner's four warehouses, Maw's four, Rogers's partially burnt, Rayner's, Horsley's, and McKnight's sheds, a row of sixteen houses, and other buildings. The loss is estimated at £435,000, namely, 35,000 bales of cotton, £250,000, other goods, £150,000; buildings, £35,000. According to other estimates, the amount of cotton was computed to be larger, and the whole loss not less than half a million. The liabilities of the several insurance offices on the property destroyed were found to amount to £350,000. Several lives were lost, and among them that of Mr. Hodgson, a police officer, who was overwhelmed, while in the discharge of his duty, by the falling of a wall. The extent of the devastation was six or seven acres.

SOUTHAMPTON, (England,) September 24. The new steam-ship Hindostan left here to-day for her destination, which is to open the new line of steam communication between Calcutta, Madras, Ceylon, and Suez, in concert with the Oriental Company's vessels, running between this port and Alexandria. The circumstances connected with her departure excited a high degree of interest, and besides the friends of the numerous passengers, a large number of spectators assembled to witness the scene. The other vessels of the Company which were in the harbor, including the Great Liverpool, Royal Tar, Lady Mary Wood, and Braganza, were dressed out in their colors for the occasion, and presented a beautiful spectacle. The Hindostan was observed to be under way at 12 o'clock, which was the signal for a general salute from the Company's other vessels and the town bat-

tery, which was followed by the cheers of several thousand spectators. The Hindostan, returning the salute, soon glided rapidly down the water to seawards. Her first place of call will be Gibraltar, which it is calculated she will reach on Thursday, the 29th, receiving there some passengers and coals; she proceeds to the Cape de Verd islands, thence to the Cape of Good Hope, Mauritius, Ceylon, Madras, and Calcutta. From Calcutta she will start on her regular line for Suez, about 15th of January, (calling at Madras and Ceylon,) and is expected to arrive at Suez on the 10th of February. She takes out about 50 passengers hence, and, it is said, has about 20 more to take on board at Gibraltar and the Cape. It is calculated that she will not be more than 60 days under steam to Calcutta. The Hindostan is a specimen of the class of vessels which are to follow in her wake for the same service. The Bentick, a sister vessel, is to be launched at Liverpool in a few days. The Company anticipate that the intercourse with Calcutta, Madras, and Ceylon, will be made as regular as it is already between England and Malta and Alexandria.

The Hindostan was built by Messrs. Wilson, of Liverpool; she is of magnificent dimensions, and commensurate power. Her length of keel is 220 feet, length from taffrail to figure-head 250 feet, breadth of beam 39 feet, exclusive of paddle-boxes, depth 30 1-2 feet. Her engines, by Messrs. Fawcett & Co., are collectively of 550-horse power. She is divided by iron bulk-heads into five water tight compartments, a secure protection from foundering in case of leakage, however extensive. In addition to four large quarter-boats, and a stern-boat, the Hindostan is fitted with Captain Smith's safety paddle-box boats, in which, such is their size, the entire ship's company and passengers could be, in case of need, conveyed in perfect security. She is rigged as a three-masted schooner. She is considered a perfect model, and her speed and sea-going qualities were well attested in her late run from Kingstown to Southampton, which she performed in thirty-eight hours. The Hindostan possesses the advantage of a spar-deck, forming a splendid promenade for passengers, and affording shelter in bad weather to the main deck. The arrangement of the cabins is somewhat peculiar. Two spacious corridors extend along each side of the main deck, that on the starboard, or gentlemen's side,

to the length of 170 feet. The cabins on the main deck are entered only from their corridors, and from them large and handsome companions lead to the spar-deck and to the other range of cabins. Passengers can thus, at all times and in all weathers, pass from the saloon and their cabins, in whatever part of the ship, with perfect comfort and facility, without coming near any of the crew. Another advantage of this arrangement is, that all annoyance from coal-dust, &c. is shut off from those parts of the ship appropriated to passengers. On the larboard side of the main deck is a range of commodious cabins, including a large drawing-room, set apart exclusively for ladies, who have also a separate staircase to the spar-deck. The sleeping-cabins, sixty in number, and which will accommodate, if required, 150 passengers, consist of single, double, and family cabins, and are perfect curiosities, for the ingenuity with which they are fitted. All that can be required by the passenger — bed, bedding, sofa, linen, washing apparatus, lamps, writing-table, &c., are all to be found within them. Hot, cold, and shower-baths, are amongst the luxuries provided on board. The saloon is decorated in a simple yet elegant manner. The panels are formed of slate, covered with highly-effective paintings, by first-rate artists, on subjects of appropriate character. The whole effect of the decorations of this apartment is that of the most delightful coolness and calmness. There is nothing gaudy or obtrusive. Below the lower range of cabins are the baggage-rooms, so conveniently placed that passengers can at any time visit their baggage. The cabins and all parts of the ship are perfectly light and ventilated, a constant current of air circulating throughout the decks, for which the hatch-ways, the corridors, and the spacious staircase from the spar-deck are the grand conductors. It would occupy more space than can be spared to describe the ranges of parcel-rooms, the purser's store-rooms, the capacious water-tanks, the accommodations for the crew, the holds, &c. Suffice it to say, that the most minute attention to detail appears evident in every part of the ship.

MONTREAL, October 1. INTERNAL IMPROVEMENTS IN CANADA. The following is a brief sketch of the system of public works which is now in progress, for facilitating communication between the great lakes and the Atlantic, through the waters of the St. Lawrence:



The line commences with the Lachine Canal, extending from Montreal to the village of Lachine, a distance of eight miles. This work is about to be enlarged, and it will form the first link of the chain which is to connect the navigation of the St. Lawrence with that of the great interior lakes, through which runs the boundary between the United States and the British dependencies, and to which, therefore, the people and the trade of both nations have access.

At Lachine you enter an expansion of the St. Lawrence, into an extensive lake called St. Louis, and have a steamboat navigation to the Cascades, at the mouth of the Ottawa. At this point, at the village of Beauharnois, commences the Beauharnois Canal, which was begun this year, and is to extend sixteen miles, to a point opposite Coteau du Lac, surmounting the obstacles to navigation caused by the several rapids, known as the Cascades, the Cedars, and the Coteau du Lac, which make, in all, a difference in elevation of about sixty feet. At this last point you enter another expansion of the St. Lawrence, called Lake St. Francis, which takes you to Cornwall, at a distance of forty miles, and on the 45th parallel of north latitude. At this point commences the Cornwall Canal, which is expected to be finished this season. It extends to Dickenson's Landing, eleven miles, and passes the Long Sault Rapids, which have a total descent of about fifty feet.

This canal is a fair sample of the other works. It has locks of solid masonry, constructed in the most durable manner, each two hundred feet long in the chamber, by fifty feet wide, with a depth of ten feet of water. They are designed, therefore, to accommodate the largest class of Lake Ontario steamers, and most of the ships that navigate the St. Lawrence from Quebec to Montreal. From Dickenson's Landing to Kingston, steamers of a large class now ply, though there are two or three rapids below Ogdensburgh. From Kingston the route is by the lake to the point of connection with the Welland Canal, between Lakes Erie and Ontario. This work, which is now being enlarged, is but a continuation and completion of this great line of works designed and destined to furnish a continuous ship navigation throughout the whole extent of the valley of the St. Lawrence and the basin of the great lakes, from Quebec to the Falls of St. Mary. When the chain

of communication is finished, and the great route of travel and traffic is opened and in use, it will give to the Canadas a direct communication of the most satisfactory description between the vast and far northwest and the Atlantic Ocean, to the great benefit of the trade and agriculture of the province.

ST. GEORGE'S, (Bermuda,) October 11. The Royal Mail Company's ship Medway, H. Smith, commander, arrived in 10 days from Nassau, N. P., bringing intelligence of the loss of the Royal Mail Company's steamer Iris, on the morning of Sunday the 9th, at a distance of 40 miles from the island. The Iris was on her way to England for repairs, having been injured on the rocks near Porto Rico, and the Medway was directed to keep company. On the 8th, the weather threatening a storm, the specie and freight on board of the Iris were removed to the Medway. The wind having increased to a gale during the night, the two vessels lost sight of each other. Towards morning the attention of those on board the Medway was attracted by frequent flashes, which proved to be from guns fired by the Iris. The Medway reached her, and took from her the officers and crew, with the exception of a boy, who, having overloaded himself with clothes, fell overboard, and was drowned. It was found impossible to keep the Iris afloat, and soon after the men were taken off she went down.

#### DOMESTIC.

NEW YORK, September 1. A public dinner was given to Lord Ashburton, the British special minister, by whom the late treaty was negotiated. Peter A. Jay, Esq., son of the eminent statesman who signed the three first treaties with Great Britain, and who was the negotiator of the first commercial treaty, presided at the dinner. The President of the U. States and the Secretary of State were invited, but were not present. There were about 160 persons present. The price of tickets to the subscribers was \$10.

The French steam frigate at New York raised her anchors, and proceeded down the bay, bound to Norfolk.

NEW YORK, September 3. Lord Ashburton and suite embarked on board the Warspite, British frigate, Lord John Hay, and sailed for England. The frigate came to anchor below, and did not sail from the Hook until the morning of the 5th.

NEW YORK, October 14. THE CROTON WATER-WORKS. The citizens of New York celebrated the opening of the water-works for the supply of the city, by means of an aqueduct from Croton River. A procession was formed at an early hour, in which all classes of citizens joined. They were regularly marshalled in sections, according to their occupations or the associations to which they belonged. The procession began to move at 10 o'clock, and passed through the principal streets, ending at the Park. The procession was estimated to contain over 20,000 persons. It was five miles long, and two and a half hours were occupied by it in passing by a given point. The different sections and associations bore appropriate banners and emblems. After the procession, Samuel Stevens, Esq., President of the Board of Water Commissioners, from a platform in the Park made an address to the Mayor and Common Council, and an assembly of citizens. The fountain in the Park played through the day, throwing up a column of water six or eight inches in diameter, to a height of 40 or 50 feet. Among the spectacles in honor of the occasion was a balloon ascension by Mr. Lauriat, and in the evening there were fireworks at Castle Garden, and an illumination of Astor House and other buildings in the vicinity. Mr. Stevens, in his address gave a description of the water-works, to the following effect: They consist, first of an artificial reservoir, called the Croton River Lake, 45 miles from the Battery, the extreme part of the city. This lake is formed by a dam of hydraulic stone masonry, with two waste-weirs or aprons, for the over-fall of the water, one of 87 feet and one of 180 feet, these being separated by a gate-house. The height of these waste-weirs is 55 feet above the bed of the river, and 40 feet above the low water level. The dam throws the water back 5 miles, and makes a lake of an area of 400 acres, and of a capacity equal to 500 millions of gallons. The water enters a gate-house, where the quantity is regulated before it enters the aqueduct, which is a stone structure lined and arched with brick. The face of the interior of the aqueduct is at the bottom an inverted arch, width 6 feet 9 inches, height 8 feet 5 1-2 inches, area 53 34-100 square feet, about large enough for an omnibus and four to pass through. The line of the aqueduct being on a declivity of 13 1-4 inches to the mile down to the Harlem River, a distance

of 33 miles. It has an extent of tunnelling of 6,841 feet, being sixteen tunnels in number, sometimes through earth and sometimes through solid rock. The deepest cut is 80 feet, and the least 25 feet. In Westchester only, the aqueduct crosses 25 streams of water, which are from 25 to 83 feet below the top of the aqueduct.

The grade line of aqueduct across the Harlem River is 25 feet above tide-water, and the top of the water now passes over Harlem River in one pipe of 36 inches, placed on the earthen dam made in the construction of the high bridge. This bridge is the only part of the works which remains unfinished, being now but about a third part completed. It will be, when finished, one of the most stupendous works of the kind in the world. The river is 620 feet wide at the water line, but the slope of the river banks adds an additional distance of 830 feet; in all, 1,450 feet. The plan now in progress crosses the river with 8 arches of 80 feet span, and on piers of 31 by 44 feet at the base, resting on the bed of the river, and 7 arches on piers on the land from the edge of the water along the two banks of the river. The spring of one of the arches is 95 feet above the lowest foundation put down; the top of the parapet will be 149 feet from the lowest foundation. It is intended that the water shall pass over this bridge in pipes to have it secure against the possibility of danger.

The works at Clendenning Valley are deserving of notice. They consist of a bridge over a valley of 1,900 feet in breadth, the greatest height of the aqueduct being 50 feet from the bottom of the valley. Beautiful archways are constructed for three streets, 34 feet for the carriage-way, and 10 on each side for side-walks. Next in interest is the reservoir at Eighty-sixth street, which might well be called the detaining or clarifying reservoir. It has two divisions, together covering 32 acres, the greatest depth of water being 25 feet, and containing one hundred and fifty millions of gallons. Two lines of 36-inch pipes connect this with the reservoir at Fortieth-street, which has also two divisions, forming together an area of four acres; depth of water when filled, 36 feet. From this point to the Battery is a distance of 4 1-2 miles. There are in this great work 55,000,000 of bricks and 700,000 cubic yards of stone masonry.

The water in the aqueduct is regulat-

ed at the entrance gate so as not to flow under any pressure; it has not been permitted to flow in the division near the city at a greater depth than two feet, but the works at the Croton dam required a few days since that more water should pass through the first division, (the distance between Sing Sing and the Croton River,) being 8 miles, and it was found to pass 75,000,000 of New York gallons in 24 hours, and that its velocity was over two miles per hour. The Croton Lake now retains, beyond the daily river supply, in reserve, 500,000,000 of gallons; and a small expense would add other immense artificial lakes to hold back an additional supply, but the necessity of this is hardly conceivable. It is estimated that the London supply, from all their companies, is but 24,000,000 of gallons, and Paris 4,000,000 only.

The quality of the water is of a pure and transparent character, and it has been found already to be a palatable beverage to thousands of individuals who have used it. Well might the city celebrate the accomplishment of so splendid a work, and one so important to its security, as well as to the health and comfort of its inhabitants. It is, we presume, the greatest work of the kind of modern times. The following is a statement of the cost of this work:

Amount paid the Water Commissioners,	\$7,728,274 88
Water Pipes and Laying,	1,651,647 47
Water Loan and interest,	1,580,873 06
Other expenses,	9,750 84
Specie to pay interest,	2,831 18
	<hr/>
	\$10,973,377 43
To meet this there have been the following stocks issued, viz.:	
Five per cent.	\$8,771,500 00
Six per cent.	645,312 00
Seven per cent.	2,000,000 00
	<hr/>
	\$11,416,812 00

SEPTEMBER 7. The New York Legislature adjourned, after an extra session of three weeks, having passed a bill to divide the State into 34 districts, for the choice of members of Congress.

KEESEVILLE, (New York,) September 15. A serious disaster this day befel this village, by which a number of persons lost their lives. The drawbridge over the river at this place, which was crowded by an unusual number of persons, in consequence of a military parade in the vi-

cinity, suddenly gave way, and precipitated a number of persons, supposed to be about twenty, into the river. The water was deep and the current rapid, and all who fell in, with one exception, were drowned.

MAINE, Sept. 12. The election in the State of Maine took place. Governor Fairfield was reelected by a large majority, with large Democratic majorities of members in both branches of the Legislature.

TRENTON, October 28. The legislature of New Jersey assembled on Tuesday, and organized by the choice of Whig officers in both branches. This day the legislature proceeded to the choice of Governor and other officers. In joint ballot of the two Houses, Governor Pennington was reelected Governor by 42 votes, in opposition to Stacy G. Potts, who had 33. The Hon. William L. Dayton was chosen Senator in Congress by 43 votes, against G. D. Wall, who had 33. Mr. Dayton was chosen both for the next term of six years, and for the unexpired portion of Mr. Southard's term.

PORTLAND, October 13. A fire broke out last night in Congress street, and several valuable dwelling houses and other buildings in that, Free, and Brown streets were destroyed. Among the houses burnt were the Franklin House, occupied by Stone and Pray, the houses of Mr. Willis, of the family of Jacob Knight, the houses of Benjamin Richardson, Thomas Chace and J. Libby, and Jos. Thaxter and Albert Baker. The house of Charles S. Daveis was partially destroyed.

BOSTON, September 2. The steam-packet Caledonia arrived at half past 5 o'clock, A. M., in a passage of 13 1-2 days from Liverpool. She brought accounts of serious disturbances in the manufacturing towns of England; of the prorogation of Parliament, Aug. 12; of the resignation of Lord Hill as commander-in-chief of the army, and the appointment of the Duke of Wellington. She brought news of the arrival of the Acadia at Liverpool, in a passage of 11 days 18 hours from Boston.

BOSTON, September 7. The Massachusetts Legislature met in extra session, and Governor Davis communicated to them by message. The object of the session was to pass a law for forming the Congressional districts. The committee appointed to sit in the recess reported a bill for this object.

The same day a Democratic State Convention for the nomination of Governor and Lieutenant-Governor was held at Faneuil Hall, in Boston. Marcus Morton was nominated as candidate for Governor, and Henry H. Childs for Lieutenant-Governor.

Boston, September 14. A Whig State Convention was held at Faneuil Hall, of which Hon. Abbott Lawrence was chosen President. The convention nominated John Davis and George Hull to be candidates for reelection as Governor and Lieutenant-Governor, and also nominated Henry Clay and John Davis to be candidates for President and Vice-President at the next election.

Boston, September 16. The Massachusetts Legislature adjourned, after a session of 10 days, having passed a law to divide the State into 10 Congressional districts.

Boston, September 18. The steam-packet Acadia arrived at 2 o'clock, in 14 days from Liverpool. She brought news of the arrival of the overland mail from India,—of the departure of the Queen for Scotland,—and of the passage of the French regency bill.

Boston, October 3. MASSACHUSETTS BANK DIVIDENDS. The following Semi-Annual Dividends will be paid at the Banks in this city to day:

Banks.	Capital.	Dividend.	Am't.
	\$		\$
Atlas,	500,000	2 1-2 per cent.	12,500
Atlantic,	500,000	3 " "	15,000
Boston,	600,000	3 1-2 " "	21,000
City,	1,000,000	2 " "	20,000
Columbian,	500,000	3 " "	15,000
Eagle,	500,000	none.	
Freeman's	150,000	3 1-2 " "	5,200
Globe,	1,000,000	3 " "	30,000
Granite,	500,000	2 1-2 " "	10,000
Hamilton,	500,000	3 " "	15,000
Massachusetts,	800,000	2 4-5 or \$7 pr sh	22,400
Market,	560,000	3 " "	16,500
Mechanics',	150,000	2 " "	3,000
Merchants',	2,000,000	3 1-2 " "	70,000
New England,	1,000,000	3 " "	30,000
North,	750,000	2 " "	15,000
Shoe and Leather Dealers',	500,000	3 1-2 " "	17,500
Shawmut,	500,000	3 " "	15,000
State,	1,800,000	3 1-3 " "	60,000
Suffolk,	1,000,000	4 " "	40,000

South,	500,000	none.
Tremont,	500,000	none.
Traders',	500,000	none.
Union,	800,000	3 1-2 per cent.
Washington,	500,000	2 3-4 " "
		13,750

\$17,610,000 \$471,150

Boston, October 5. DEATH OF DR. CHANNING. On Sunday evening last, Rev. William E. Channing of this city died at Bennington, in Vermont. After a visit to the county of Berkshire, he extended his excursion for recreation and health into Vermont, where he was arrested by illness, which proved to be typhus fever, under which he gradually sunk, and expired on the date abovementioned. He was accompanied by members of his family, by whom his remains were brought to Boston for interment. His funeral was celebrated on the following Thursday, at the church in Federal street, where he had ministered for so many years, on which occasion a large concourse of the people of his recent charge and others, embracing the most distinguished citizens of Boston and the vicinity, assembled to testify their respect and affection. In addition to the other funeral services, an impressive and interesting discourse was delivered by the Rev. Mr. Gannett. Dr. Channing had been long distinguished as a preacher and writer, and his works have been extensively read, and admired, not only in this country, but abroad. Several public discourses have been delivered upon the character and worth of this christian teacher and philanthropist, and not only these, but some more ample memorial of him and of his works will doubtless be published. Although Dr. Channing had been for many years in feeble health, and for that reason had withdrawn from the field of his parochial duties, he continued to labor for the public, by occasional discourses and publications, to very near the end of his life. They uniformly commanded deep attention.

Boston, October 18. The steam packet Britannia arrived at 6 o'clock, A. M. in 13 1-2 days from Liverpool, with 82 passengers. She brought news of the arrival in England of the steamer Caledonia, in 14 1-2 days from Boston. Lord Ashburton, in the frigate Warspite, arrived at Portsmouth on the 23d, in 17 days from New York.

[Several articles of Chronology are necessarily deferred to the next Number.]